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## House of Representatives

### SECURE TRANSPORTATION FOR AMERICA ACT OF 2001

The SPEAKER pro tempore (Mr. THORNBERRY). Pursuant to House Resolution 274 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3150.

□ 1335

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3150) to improve aviation security, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, I have a long prepared statement which I will submit for the RECORD, but I would ask my colleagues today to think about this legislation very strongly. I have talked privately with the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Illinois (Mr. LIPINSKI), and they say that the bill that they are proposing does not do the job. That tells me one thing: the bill that they are promoting does not do the job, and this bill does.

We worked very closely to get a bill and came very nearly to having a bill. Some people did not see it that way.

But my main goal was to have the best security bill for our people. I believe my bill does that. It is not perfect, but I can tell my colleagues the Senate bill is nowhere as near as my bill.

If my colleagues vote for the substitute, which some of my colleagues are planning on doing, they are not going to have a conference. That has already been decided. It will be on the President's desk, and the American people will be told by certain people that they will be secure in their airports, but we will have the exact same system that is in place right now, which has failed miserably. All of my colleagues know that.

This has become a political football, and I stayed out of that, because I want the best security for the people of America.

I want to thank the gentleman from Florida (Mr. MICA), who has done an outstanding job, and the staff has done a good job on this issue and, yes, the President of the United States. All he is asking us to do and what my bill does is give him some flexibility. My bill does not federalize, it does not nationalize, it is not a total requirement. But it is a brand new era, a time where we need good security. In all good conscience, there is no way that a substitute is going to be offered that I could even vote for that legislation, because we are kidding the American public.

The Senate keeps referring to a 100 to zero vote. I have had Senate Democrats and Republicans come to me and say, my God, we have to go to conference. And I have had a few people say to me, we will have to straighten this out later on. That is not good legislation. This is the House of the people, not the Senate. To have to accept a Senate bill to me is deplorable. It is beneath us. It is the wrong thing to do.

I do not believe there is a fairer person in this Congress than myself working with each individual. My heart is

very deeply in the idea of security. If we do not pass this bill today of mine and the gentleman from Florida (Mr. MICA), we are doing a great disservice to the American people, because they will go to the airport and say, oh, my God, we are now safe because we have passed a bill, and in reality there is no safety in the substitute.

Mr. Chairman, it disturbs me how this thing got so far out of hand that we cannot solve the problem correctly. We must go to conference. We can solve it in conference where the problems are different, but if we do not go to conference, we have nothing and we have kidded the public. I am not about to, and I was accused today of not being a statesman because I said I probably will not review this issue again because my colleagues have made the decision if I lose that they have a safe bill and the people of America are safe. I can tell my colleagues from the bottom of my heart, my colleagues know they are not, and I will not be a part of kidding the American public about how secure they will be if we adopt the substitute. We have to accept the Young-Mica bill for the best for the people of America.

Mr. Chairman, I rise today in support of H.R. 3150, the Secure Transportation for America Act of 2001.

H.R. 3150 is the result of a great deal of hard work by our aviation subcommittee and its chairman, JOHN MICA.

I want to take this opportunity to express my appreciation for his efforts and the hard work of the aviation subcommittee on this issue.

Chairman MICA and the members of the aviation subcommittee held hearings and conducted extensive research to find out which system of security would work best for our aviation transportation needs.

The American people have every right to be concerned and worried about the inadequate level of security provided at our airports.

This bill will dramatically increase the level of security and will dramatically change the way the system has operated at our airports.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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Under the current system, the airlines hire the security screeners at the airports using low cost, low bid security companies.

The airlines in the past have worked to reduce their costs by driving down the cost of airline security. Unfortunately, this has resulted in a low paid, poorly trained and poorly motivated workforce.

I want to make it abundantly clear. This bill changes all of that.

Low paid, poorly trained and poorly motivated screeners in charge of our nation's air security is simply unacceptable.

Under our bill, H.R. 3150, the federal government will take over the job of screening passengers and their baggage at our airports.

It will become a federal government responsibility.

Where we differ with some of our colleagues is how do we best achieve the goal of a truly secure federally controlled aviation screening process.

We do it by insuring that it is the federal government that will set the compensation for the screeners.

It is the federal government that mandates the level of competency and training for the screeners.

It is the government that runs the background checks and works with other agencies to insure that these screeners have a clean record.

And if the screeners don't do their job and perform well, under our bill they can be removed, their certificates can be revoked, and the entire company can be fired and fined for any violations of the rules or regulations.

Our bill gives the President the tools he needs to insure the best possible security for our country.

H.R. 3150 however, does more than just improve airport screening.

It establishes broad authority to deal with threats to all transportation modes, by setting up a new Transportation Security Administration within the Department of Transportation.

The new administration will be headed by an undersecretary whose only job will be to protect our transportation system from terrorists threats.

H.R. 3150 requires the undersecretary of the Transportation Security Administration to assume all responsibility for aviation security within 3 months of final passage of the bill.

Under our bill the undersecretary could assume responsibility even earlier if the transition can be worked out with the airlines.

Unlike the Senate bill and the amendment to be offered, H.R. 3150 does not tie the President's hands by requiring that airport security screeners be 100 percent federal employees.

However, let me make it clear.

Our bill federalizes the screening process.

However, the issue is not federal versus non-federal employees conducting the screening of passengers and their bags.

The real issue is how to achieve the highest level of security for the traveling public, particularly within the next few months while we are at war against the terrorists who used our air transportation system to attack us.

Locking in a system that prohibits the use of any private contract workers at all leaves the air transportation system vulnerable to disruption and reduced security.

There is no guarantee that federal employees will do a better job than private employees, but that is not the real issue.

The real issue is giving the President the flexibility and the money to get the job done.

I also want to make it clear that this issue is not about whether screeners will be unionized.

They are unionized now and under my bill can continue to be members of union and to bargain collectively. However, they cannot go on strike under my bill.

H.R. 3150, the Secure Transportation for America Act, addresses all these security issues to achieve a workable system that provides for real security as quickly as possible.

I urge support of H.R. 3150, which is to bring real security to the traveling public in as short a period of time as possible.

#### SECTION-BY-SECTION SUMMARY—SECURE TRANSPORTATION FOR AMERICA ACT OF 2001—H.R. 3150

Section 1 is the short title.

#### SECTION 2—TRANSPORTATION SECURITY ADMINISTRATION

Subsection (a) adds a new section 114 to Chapter 1 of title 49 of the U.S. Code creating the new Transportation Security Administration (TSA).

Subsection (a) of this new section 114 states that the new TSA shall be an Administration in the Department of Transportation (DOT).

Subsection (b) creates the new position of Under Secretary to head this new Administration.

Paragraph (1) states that this Under Secretary shall be appointed by the President with the advice and consent of the Senate.

Paragraph (2) states that the Under Secretary must be a U.S. citizen and have had prior experience in transportation or security.

Paragraph (3) gives the Under Secretary a 5-year term.

Subsection (c) prohibits the Under Secretary from having an interest in a transportation or a security company or a company that makes security equipment.

Subsection (d) describes the functions of the Under Secretary.

Paragraph (1) states that the Under Secretary will be responsible for security in all modes of transportation. This involves the assumption of the powers now exercised by the Associate FAA Administrator of Civil Aviation Security and the DOT Director of Intelligence and Security as well as the security functions of other Administrations within DOT. It does not involve the Coast Guard. The bill does not explicitly assign the hazmat function leaving that up to DOT to decide whether to move that into the new Administration or keep it in FAA.

Paragraph (2) requires a schedule to be developed for the transfer of the security functions in consultation with the affected carriers.

Paragraph (3), in the meantime, allows airlines to assign their contracts with private security companies to the Under Secretary.

Subsection (e) lists in more detail the duties and powers of the Under Secretary. These duties and powers are—

(1) Receiving, assessing, and distributing intelligence information to the appropriate people in the transportation community.

(2) Assessing threats to transportation.

(3) Developing policies to deal with these threats.

(4) Coordinating with other agencies.

(5) Serve as the liaison with the intelligence community.

(6) Supervising airport security using Federal uniformed personnel.

(7) Manage the Federal security personnel in the field.

(8) Enforce security regulations.

(9) Undertake research to improve security.

(10) Inspect, maintain, and test security equipment.

(11) Ensure that adequate security is provided for the transportation of cargo, including cargo as defined in section 40102(a)(12).

(12) Oversee the security at airports and other transportation facilities.

(13) Perform background checks on screeners and those who work at airports.

(14) Develop standards for the hiring and firing of screeners.

(15) Train and test screeners.

(16) Carry out other duties and powers authorized by law.

Subsection (f) gives the Under Secretary the same powers to acquire and maintain property as the FAA.

Subsection (g) allows the Under Secretary to accept transfers of funds.

Subsection (h) allows the Under Secretary, if the situation warrants, to issue a security rule on an expedited basis without Secretarial or OMB review and without notice and comment as would otherwise be required by the Administrative Procedure Act. Such a rule would be in effect for 30 days and would remain in effect unless disapproved by the Oversight Board established in section 13.

Subsection (i) gives the Under Secretary the same authority over personnel and services as the FAA. This includes the authority to contract for services such as the screening service.

Subsection (j) allows the new Transportation Security Administration (TSA) to set up its own personnel system.

Subsection (k) allows the new TSA to set up its own procurement system.

Subsection (l) makes clear that the DOT Inspector General can investigate the TSA in the same way that he can investigate other Administrations within DOT.

Subsection (c) establishes the compensation for the Under Secretary.

Subsection (d) allows other agencies to provide personnel, such as sky marshals, to the FAA and the TSA.

Subsection (e) transfers responsibility for security research from the FAA to the TSA.

Subsection (f) changes statutory references from the FAA and the Administrator to the TSA and the Under Secretary to reflect the transfer of functions.

#### SECTION 3—SCREENING OF PASSENGERS AND PROPERTY

This section requires the Federal government to take over responsibility for the screening of passengers and property (both checked and carry-on baggage) on passenger aircraft in the United States. The Federal government could do this either by hiring Federal employees to do the screening or by contracting with a security company to perform this task with Federal oversight. All screening must be supervised by uniformed Federal employees of the TSA. A supervisor can order the dismissal of a screener who is not performing adequately. Screeners are prohibited from striking.

#### SECTION 4—SECURITY PROGRAMS

This section requires that there be a law enforcement or military presence at each screening checkpoint, not merely at each airport. The law enforcement presence could be either Federal, State, or local officials.

#### SECTION 5—EMPLOYMENT STANDARDS AND TRAINING

Strengthens the employment and training standards for those who screen passengers and property.

Subsection (a) requires that screeners be U.S. citizens. It permits the Under Secretary to establish minimum pay levels. Veterans should be given preference in the hiring of

screeners. The veterans preference was a suggestion of Congressman Duncan.

Subsection (b) requires the final rule of the certification of screening companies to be issued within 6 months of the date of enactment of this Act.

Subsection (c) establishes the training standards for screeners and requires all screeners to be in uniform.

Subsection (d) establishes the minimum employment standards for screeners (which were taken largely from the FAA's proposed rule at 65 FR 560, January 5, 2000). These shall remain in effect until the final rule for the certification of screening companies is issued as required by subsection (b).

#### SECTION 6—DEPLOYMENT OF FEDERAL AIR MARSHALS

Requires the deployment, at no cost to the government, of sky marshals on flights of U.S. airlines. This section is based on H.R. 2906 introduced by Congressman Baker.

#### SECTION 7—ENHANCED SECURITY MEASURES

Subsection (a) requires the Under Secretary to address the following issues:

(1) Develop procedures (such as barrel roles or depressurizing the aircraft) and authorize equipment (such as lethal or non-lethal weapons) to help the pilot defend the aircraft against hijackers;

(2) After consultation with the FAA, find ways to—

- (A) limit access to the cockpit;
- (B) strengthen cockpit doors;
- (C) use video cameras to alert pilots to problems in the passenger cabin without having to open the cockpit door;
- (D) ensure that the aircraft transponder cannot be turned off in flight.

(3) Impose standards for the screening or inspection of vehicles and employees of aircraft fuelers, caterers, cleaners, and others who have access to aircraft and secure areas of airports;

(4) Require airlines to provide emergency call capability from aircraft and trains (This was suggested by Congressman Kirk);

(5) Use various technologies, such as voice stress analysis, to prevent a dangerous person from boarding a plane;

(6) Develop certification standards for individual screeners;

(7) Use Threat Image Projection (TIP) or similar devices to test whether screeners are meeting those standards;

(8) Develop ways for airlines to have access to law enforcement and immigration data bases to ensure that dangerous people do not board their planes;

(9) Use the profiling system known as CAPS to not only give special scrutiny to selected checked baggage but also to the passengers who fit the profile and their carry-on baggage;

(10) Use technology to ensure that airport and airline employees and law enforcement officers are who they claim to be;

(11) Install switches in the passenger cabin so that flight attendants can discreetly notify a pilot if there is a problem;

(12) Change the training of airline personnel in light of the change in the methods and goals of hijackers as evidenced by the attack of September 11th;

(13) Provide for background checks for those seeking flying lessons on large aircraft or flight simulators of such aircraft.

(14) Enter into agreements allowing trained law enforcement personnel of other agencies to travel with guns in order to assist a sky marshal. (This was suggested by Congressman Cooksey).

(15) Perform more thorough background checks of airport screeners, student pilots, and others who have unescorted access to secure areas of the airport. This should include more than merely a fingerprint check. It

should also include examination of other agency databases to determine whether the individual may be a terrorist or a threat to civil aviation.

Subsection (b) prohibits the Under Secretary from taking one of the actions listed above if the FAA believes it might adversely affect the safety of the aircraft unless the Secretary approves the action.

Subsection (c) requires the Under Secretary to consult with the NTSB on safety issues.

Subsection (d) requires the Under Secretary to do bag matching, screen 100% of checked bags, or take some other action to minimize the risk of explosives in checked luggage. Paragraph (2) requires the Under Secretary to ensure that explosive detection equipment already at airports is fully utilized.

Subsection (e) requires the Secretary to permit pilots to carry guns in the cockpit if the airline permits its pilots to carry guns and the pilot has completed an appropriate training program.

Subsection (f) requires the Under Secretary to report 6 months after the date of enactment on the progress being made in implementing the above items. A similar report would have to be submitted each year thereafter until all the items had either been implemented or rejected. An existing security report is repealed.

#### SECTION 8—CRIMINAL HISTORY RECORD CHECK FOR SCREENERS AND OTHERS

Authorizes airports to begin fingerprint checks before the deadline now in the law.

#### SECTION 9—PASSENGER AND BAGGAGE SCREENING FEE

Requires the imposition of a security fee on passengers to pay up to 100 percent of the cost of the screening passengers. These costs include the salaries and training costs of screeners and the cost of the equipment they use. The fee could not be used to defray the general operating costs of the Transportation Security Administration (TSA). The per passenger fee must be based on the cost of providing the screening service but could not be more than \$2.50 per passenger. The fee that is set would be based on the total costs of screening passengers and property, not on the specific costs associated with each airport, and therefore the fee would be the same for every passenger. The fee would be assessed on a one-way flight rather than on an enplanement as the one-way trip most closely related to the way screening services are provided to passengers. Full year revenue for fiscal year 2002 is estimated to amount to about \$900 million for domestic departures and about \$100 million for international departures. Future year revenue could be higher when air travel reverts to the levels prior to September 11, 2001. Any additional money required to pay the costs of screening not covered by the passenger fee may be raised by a fee assessed directly on the airlines or could be appropriated under the authority provided by section 10(a). Passengers using airports in Alaska where screening is not required could be exempted from the fee.

It is Congress' intent that the Under Secretary be able to impose this fee as expeditiously as possible to begin to recover the costs of the functions assumed by the Federal government. To ensure that the Under Secretary is able to begin collecting the fee within 60 days, the Under Secretary is exempted from section 9701 of title 31, United States Code, related to general requirements related to fees and from section 553 of title 5, United States Code, related to rulemaking. The Under Secretary is authorized to publish a notice in the Federal Register to set and impose the fee. The calculation of costs of the functions and the fees to be imposed is

left to be determined at the discretion of the Under Secretary.

#### SECTION 10—AUTHORIZATIONS OF APPROPRIATIONS

Subsection (a) authorizes appropriations to operate the new TSA and to pay for any screening costs not covered by the fee.

Subsection (b) authorizes the Secretary to utilize \$500 million of the emergency supplemental (Public Law 107-38) to make grants to U.S. airlines to help them strengthen their cockpit doors, install video monitors, or modify their aircraft transponders so that they cannot be turned off in flight.

Subsection (c) authorizes \$1.5 billion to help airports defray the cost of new security requirements imposed after September 11, 2001.

#### SECTION 11—LIMITATION ON LIABILITY FOR ACTS TO THWART CRIMINAL VIOLENCE OR AIRCRAFT PIRACY

Protects passengers and crew from liability for any injury they cause a person who they, in good faith, believe is hijacking or about to hijack an aircraft.

#### SECTION 12—PASSENGER MANIFESTS

Requires U.S. and foreign airlines to provide information to the U.S. government about their passengers and crew on international flights before they land in the U.S.

#### SECTION 13—TRANSPORTATION SECURITY OVERSIGHT BOARD

Creates the new Transportation Security Oversight Board. It will be composed of the Secretaries of Transportation, Treasury, and Defense (or their designees), the Attorney General (or his designee), and a person appointed by the President from either the National Security Council or the new Office of Homeland Security. The DOT Secretary or his designee will be the Chairman. The Board's duties include reviewing the Under Secretary's emergency regulations and other actions of the TSA. This section also creates an advisory council composed of industry representatives to advise the Under Secretary on transportation security issues.

#### SECTION 14—AIRPORT IMPROVEMENT PROGRAM

Section 12 makes changes to the airport improvement program (AIP) and the passenger facility charge (PFC) related to security.

Subsection (a) excuses an airport from having to submit a competition plan in fiscal year 2002 for AIP grants or PFC approvals that will be used to improve security.

Subsection (b) allows AIP or PFC money to be used at small airports to pay the cost of law enforcement personnel required by section 4. It also allows AIP money to be used to pay for any expense in fiscal year 2002 at a general aviation airport that was effectively shut down as a result of the restrictions on VFR flight in enhanced Class B airspace. It also allows AIP and PFC money to be used for debt service in order to prevent the airport from defaulting on a bond.

Subsection (c) allows AIP money to be used for the costs described in subsection (b) even if that cost was incurred before the grant was issued.

Subsection (d) waives the local share for the costs described in subsection (b).

#### SECTION 15—TECHNICAL CORRECTION

Subsection (a) changes the due date of a report from February 1 of this year to February 1 of next year.

Subsection (b) makes a change in the war risk improvement program.

Subsection (c) corrects a misspelled word.

#### SECTION 16—ALCOHOL AND CONTROLLED SUBSTANCE TESTING

Transfers responsibility for drug and alcohol testing of security personnel from the

FAA to the new Transportation Security Administration.

SECTION 17—CONFORMING AMENDMENTS TO  
SUBTITLE VII

This section makes technical changes.

Subsection (a) retains responsibility for the Pilot Records Improvements Act in the FAA.

Subsection (b) moves certain civil penalty responsibilities to the new Administration.

Subsection (c) and (d) make similar administrative changes.

SECTION 18—SAVINGS PROVISION

This section ensures that there is a seamless transition of responsibilities from the FAA to the new Transportation Security Administration (TSA).

SECTION 19—BUDGET SUBMISSIONS

Requires budget submissions to list the budget of the TSA separately.

SECTION 20—AIRCRAFT OPERATIONS IN  
ENHANCED CLASS B AIRSPACE

Lists the restrictions on general aviation flights in Enhanced Class B airspace (the airspace near major cities) unless a notice is published in the Federal Register explaining the rationale for those restrictions.

SECTION 21—WAIVERS FOR CERTAIN ISOLATED  
COMMUNITIES

Subsection (a) allows the Under Secretary to grant waivers for certain essential flights to communities in Alaska, Hawaii, and others far from a big city.

Subsection (b) allows the Transportation Security Oversight Board to rescind these waivers.

Subsection (c) allows the Board to impose limitations on the waivers.

SECTION 22—ASSESSMENTS OF THREATS TO  
AIRPORTS

This section allows airports to rescind the current restriction that prohibits cars from parking within 300 feet of an airport terminal if the airport and local law enforcement certify that there are safeguards in place to sufficiently protect public safety.

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE,  
Washington, DC, October 31, 2001.

Hon. SHERWOOD L. BOEHLERT,  
Chairman, Committee on Science,  
House of Representatives, Washington, DC.

DEAR CHAIRMAN BOEHLERT: Thank you for your letter of October 31, 2001, regarding H.R. 3150, the "Secure Transportation for America Act of 2001" and for your willingness to waive consideration of provisions in the bill under your Committee's jurisdiction. Regarding provisions in the bill that are referenced in your letter, the bill essentially ensures the orderly transfer of certain existing functions within the Department of Transportation and assures continuity of operations. However, I acknowledge the Science Committee's jurisdiction under the House Rules over provisions that may affect "civil aviation research and development."

I agree that your waiving consideration of relevant provisions of H.R. 3150 does not waive the Science Committee's jurisdiction over those provisions. I also acknowledge your right to seek conferees on any provisions that are within the Science Committee's jurisdiction during any House-Senate conference on H.R. 3150 or similar legislation, and would support your request for conferees on such provisions.

Your letter and this response will be included in the record during floor consideration of the bill.

Thank you for your cooperation in this matter.

Sincerely,

DON YOUNG,  
Chairman.

COMMITTEE ON SCIENCE,  
RAYBURN HOUSE OFFICE BUILDING,  
Washington, DC, October 30, 2001.

Hon. DON YOUNG,

Chairman, Committee on Transportation and  
Infrastructure, House of Representatives,  
Washington, DC.

DEAR CHAIRMAN YOUNG: On October 17, 2001, you introduced H.R. 3150, the "Secure Transportation for America Act of 2001." Section 2(e)(9) of H.R. 3150 requires the newly created Under Secretary of Transportation for Security to "identify and undertake research and development activities necessary to enhance transportation security." Additionally, secs. 2(f)(1)(D) authorizes the Under Secretary "to acquire (by purchase, lease, condemnation, or otherwise) and to construct, repair, operate, and maintain research and testing sites and facilities; and (E) in cooperation with the Administrator of the Federal Aviation Administration, to utilize the research and development facilities of the Federal Aviation Administration located in Atlantic City, New Jersey." These three provisions contain subject matter that has traditionally fallen under the jurisdiction of the Committee on Science pursuant to House Rule X(n)(3), which grants the Committee on Science jurisdiction over "Civil aviation and research." I ask for your assurance that the creation of the new Under Secretary position and that the duties and functions of his position do not alter in any way the traditional jurisdiction of the Science Committee granted pursuant to House Rule X(n)(3).

In deference to your desire to bring this legislation before the House in an expeditious manner I will not exercise this Committee's right to consider H.R. 3150. Despite waiving its consideration of H.R. 3150, the Science Committee does not waive its jurisdiction over H.R. 3150. Additionally, the Science Committee expressly reserves its authority to seek conferees on any provisions that are within its jurisdiction during any House-Senate conference that may be convened on this or similar legislation which falls within the Science Committee's jurisdiction. I ask for your commitment to support any request by the Science Committee for conferees on H.R. 3150 as well as any similar or related legislation.

I request that you include this letter as part of the RECORD during consideration of the legislation on the House floor. Thank you for your consideration and attention regarding these matters.

Sincerely,

SHERWOOD L. BOEHLERT,  
Chairman.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I would like to express my appreciation to the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA), if I may have their attention, for the good faith efforts that were made in our committee to reach a truly bipartisan bill. The gentleman spoke with some feeling in the well just a moment ago, and I speak with no less feeling. As the chairman knows and the chairman of the subcommittee knows and many of the Members know, I served on the Pan Am 103 Commission while I was chair of the Subcommittee on Aviation. I wrote with our good friend Mr. Hamerschmidt, former ranking member of the Committee on Transportation and Infrastructure, then the Com-

mittee on Public Works, the Aviation Security Act of 1990. We worked on a totally bipartisan basis with the House and the Senate to write that legislation and subsequent amendments to it. We know that aviation security is a revolving issue that we have to continually revisit to update and strengthen.

We were at the point of reaching a good bipartisan agreement, but it kept getting sidetracked, let me just say it bluntly, by the political leadership in the gentleman's party. I just want to express my great appreciation for the good faith and the good effort and the goodwill that was extended and the regret that we could not come to an agreement.

But the Achilles heel of aviation security is the screener checkpoint at our airports, and the issue of whether this should be private or public, as this chart shows, private security companies have not provided good security. A man boards a plane with a pistol after September 11. Airport security firm lied. Hired felons, Argenbright fined \$1,550,000 last year. And their parent corporation in Europe, which has been held up as a paragon of good work in aviation security privatization, the Sunday Telegraph in England: Shocking lapses in security at British airports. The London Times: Security failures put Heathrow at risk. The British Department of Transportation is investigating Securicor, the parent corporation for Argenbright, the premier domestic private security provider.

That is not the way we want to do security. We need to have the badge of the Federal Government, persons sworn to uphold the Constitution and the laws of the United States, trained to the highest possible level of skill, paid a decent level, put in a security force separate from the Federal Civil Service, to give assurance to the American public that the bar on security has been raised.

Mr. Chairman, I reserve the balance of my time.

□ 1545

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee (Mr. DUNCAN).

(Mr. DUNCAN asked and was given permission to revise and extend his remarks.)

Mr. DUNCAN. Mr. Chairman, I rise in strong support of this bill by the gentleman from Alaska (Chairman YOUNG), and I want to commend him and the gentleman from Florida (Chairman MICA) for their work on this legislation.

This bill, the Airport Security Federalization Act, will do more to enhance and improve aviation security than any bill in the history of this Nation.

We need to tell the American people the true situation as it stands today: that is, it is safer to fly now than ever before. This bill, the bill of the gentleman from Alaska (Chairman YOUNG), will make it even safer.

This bill provides the legal framework and funding for strengthening cockpit doors; providing air marshals on flights where they might be needed; cameras, so pilots can see what is going on in the cabin; expanded background checks for all key personnel; and most importantly, improve standards and training for airport screeners.

I had the privilege, Mr. Chairman, of chairing the Subcommittee on Aviation for the past 6 years, and remain active on the subcommittee today. Three years ago, I suggested establishing a school for screeners, but there was almost no interest at the FAA in this proposal.

In 1996, and again last year in FAA bills, we put in requirements for certifying screeners and improving their training and other security measures. As of September 11, the FAA still had not completed the work required under these bills. This is another reason why we are so concerned about turning this situation totally and completely over to the Federal Government.

We did expand the list of crimes which would disqualify people from jobs as screeners. To be fair, no one ever dreamed that anyone would be mentally sick and warped and evil enough to use our commercial airliners in kamikaze missions killing thousands. But now we know, and this bill is the best response we can give to the situation we find ourselves in.

The most controversial part of this legislation is whether to make the screeners Federal employees. I suggest that the former chief of security for El Al, the Israeli airline, was quoted in yesterday's Washington Times as saying this would be a big mistake.

Unfortunately, we have a civil service system that does almost nothing for good, dedicated employees, but it provides great and undeserved protection for the worst employees. Everyone knows it is almost impossible to fire a Federal civil servant and extremely hard even to transfer one.

We need to increase the pay and training of screeners. We need to have the best possible people in these positions. We can accomplish this much faster and continue to improve this work force much easier by having strict Federal oversight and requirements, but leaving these employees in the much more efficient private sector. This is the European model. Skyjackings in Europe went way down in the 1990s after screeners were largely privatized.

The Wall Street Journal reported yesterday that 85 to 90 percent of the screeners around the world are private employees. Most of these are at airports formerly totally government run until they found out that the private free enterprise system works better.

Mr. Chairman, about three years ago, I was the guest of the British Aviation Authority. They wanted to show me their airports and their whole operation, but what they were most proud of was their security provided by a private workforce. Their airport security and Israel's are considered the best in the world.

I am especially pleased about a provision in this bill relieving persons who assist in fighting air piracy from any potential liability and also a provision I requested to give preference in hiring to retired military personnel.

I urge all my colleagues to support Chairman YOUNG's outstanding aviation security bill.

Mr. OBERSTAR. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. LIPINSKI), ranking member of the Subcommittee on Aviation.

Mr. LIPINSKI. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, 6 weeks ago tomorrow the House passed, with the speed of a rocket-boostered jet engine, the American aviation financial bailout bill, a bill I voted against because it did nothing for the laid-off aviation workers, and it did nothing to upgrade aviation security.

I said at the time that we can give the airlines all the money they want and even more, but if we do not upgrade aviation security and show the American flying public that our skies are once again safe and secure, then the American aviation industry will continue to flounder and shrink, because the American public will not go back to flying until they believe that American aviation is as secure as possible.

In the past 6 weeks, we in the House have done nothing to upgrade aviation security. Unless we pass the bipartisan substitute and it goes directly to the President to be signed, and he will sign it, as he has said on numerous occasions, we will pass H.R. 3150 and be forced to go to conference.

The forces opposed to hiring fully-trained, well-paid, federally-supervised professional Federal screeners to protect the American flying public will delay the conference until long after Thanksgiving, the Nation's greatest flying weekend.

Mr. Chairman, this is what has happened to American aviation since we passed the bailout bill but did not strengthen security: There are more than 2,000 fewer domestic and international flight departures each day than last year at the same time, a reduction of over 20 percent. At the same time, passenger emplanements are down 25 percent.

Since September 11 until now, scheduled domestic flights have dropped by the following percentages at the following airports: Newark, Reagan National, Houston, down over 35 percent; Kennedy, down 34 percent; Seattle, Boston, LaGuardia, Portland, San Francisco, down over 25 percent. The Nation's top 31 airports are all down. Since September 11, America West has dropped 12 percent of its scheduled flights; Delta, 15 percent; Northwest, 15 percent; United and American, 22 percent; US Airways, 25 percent; Alaskan Airlines, 26 percent; and Continental, 44 percent.

Why? I believe because we have not passed an upgraded aviation security bill into law to protect the American

public. That is why we must pass today a bill that the President will sign into law tomorrow.

American aviation is a matter of national security. Public safety is threatened by an unprecedented war declared on the American people by Osama bin Laden and his terrorist network. It is the Federal Government's job to protect our country during time of war. Security at our Nation's airports is no longer a private sector matter; it is the last line of defense at our airports, and it is part of the front line of our national defense.

Congress needs to treat this as a question of national security, and put in place an effective Federal law enforcement system.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 30 seconds to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, this is to clarify an aspect of the legislation. One idea to increase airplane safety would be to create separate entrances for pilots on aircraft and eliminate access between the cabin and the cockpit. This would make it impossible to take over an aircraft from the cabin, reducing the risk of terrorism and the need for air marshals and other precautions.

I would like to make sure there is nothing in this bill which prevents the FAA from studying this idea or airlines pursuing this implementation, should it prove feasible and effective.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, there are no provisions in this bill that prevent the FAA from taking up the idea of separate entrances for pilots in airliners. That idea could be a solution to some of our air security problems, and deserves serious consideration and study at the FAA.

Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. SHUSTER), newly elected, and I hope he will be reelected.

Mr. SHUSTER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in support of H.R. 3150. It is a superior piece of legislation. What we do is federalize the airport security system, which creates strict standards, control, and enforcement by the Federal Government, and it is based on proven systems.

One thing I want to mention about H.R. 3150 is it specifically helps small and rural airports. First, it allows the AIP funds to be used to upgrade security, and waive rent for tenants, for those small businesses to get through this tough time.

Additionally, the substitute bill has a two-tiered security approach, and H.R. 3150 does not have that. One of the things it allows for is the 30-foot distance you must stay away the terminal, to have the safeguards put in place sufficiently to protect the public.

The problems with the substitute are many. One of the things I want to point out specifically are the \$2.50 security fee emplanement charge. This is entirely unfair to rural travelers, for it doubles and sometimes triples their fees.

Mr. OBERSTAR. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Iowa (Mr. GANSKE), who has played a courageous role in advocating this legislation.

Mr. GANSKE. Mr. Chairman, let us get into the nitty-gritty of comparing some of the aspects of these bills.

Mr. Chairman, I would make a strong argument that the Senate bill has stronger provisions in terms of requirements for screeners than the Young bill. The Young bill requires that those screeners be citizens, just citizens, period. That would mean that somebody could come here from a foreign country, marry somebody, and then be qualified to be a screener.

Our bill, the Senate bill, the bipartisan bill, requires that one be a citizen for 5 years. That is a significant difference. I think our bill, the Senate bill, is better on that point.

We will hear some charges about how the Young bill has a stronger screening provision for bag supervision. Let me read from the Senate bill. The Senate bill says: "The Attorney General, in consultation with the Secretary of Transportation, shall provide for the screening of all passengers and property, including the United States mail, cargo, carry-on, and checked baggage, and other articles that will be carried aboard the airplane in air transportation."

Mr. Chairman, I do not know how 100 percent can be improved on. When we say "all" in legislative language, that is 100 percent.

Furthermore, we will hear from the proponents of the Young amendment that our bill, the bipartisan Senate bill, could take longer to implement. The only way the Young bill can be implemented quicker than our bill is if they simply hire all of the screeners that are already currently employed by those three foreign corporations.

For goodness sakes, we have heard from the Inspector General, we have seen in newspaper reports, we have seen million dollar fines. We see, as was demonstrated over here, reports that this is not just in the United States, but these three foreign corporations are not getting the job done overseas, either.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. TIAHRT).

(Mr. TIAHRT asked and was given permission to revise and extend his remarks.)

Mr. TIAHRT. Mr. Chairman, we just heard the gentleman from Iowa talk about one phase of the bill that is being proposed today on the floor. That is the passenger carry-on and baggage screening, as Members can see on this chart. He totally ignored the rest of the chart because it is not in the version that the Senate passed and that is being proposed here.

They do have a study, and they ask six different government agencies to start to study all of the other stuff, like perimeter security, like bomb-sniffing dogs, camera surveillance, the employee screening. They are going to study that. But what we are going to do is put it into action.

If Members want to ignore all the rest of this airport security and just focus on this one little phase right down here, then I suggest Members support the Senate version. But we cannot go to conference, we cannot fix the problem. We just have an inadequate bill that will not solve the problem. We will end up with, maybe 5 years from now when the studies come back, the potential for doing the right thing.

If Members vote for the Senate version, they are ignoring bomb-sniffing dogs, they are ignoring terminal security, they are ignoring tarmac security, ignoring it.

Why not do something to help the people in America know that they are safe when they are traveling on airplanes? Why not put into action these items on airport security that are covered in this complete chart, instead of just focusing on a very little narrow part here in the corner?

That is why the gentleman from Iowa focused right down here on passenger and baggage screening. We are going to do something today. We have the opportunity to do something for airport aviation security that goes well beyond what the Senate did in their version of rushing through legislation, inadequate legislation. Instead, we are going to do the right thing to make people safe when they travel.

So I urge my colleagues to not vote for the Ganske bill, the Democrat version, the Senate-passed version. Instead, do the right thing for airport security, for aviation security, for airport travel, and vote for the Young bill. Vote for the Secure Transportation for America Act. It is the right thing to do.

□ 1600

#### ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will remind Members that in their remarks they should not characterize the actions of the other body.

Mr. OBERSTAR. Mr. Chairman, I appreciate the Chair's admonition.

Mr. Chairman, I yield myself 15 seconds.

In the interest of accuracy, the bill that we advocate here provides for screening of passengers and baggage, checked baggage, perimeter security,

Federal air marshals, cockpit security, anti-hijack training for flight crew, flight school training background checks and funding.

Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. GEPHARDT), the distinguished minority leader.

(Mr. GEPHARDT asked and was given permission to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Chairman, first I want to thank the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Iowa (Mr. GANSKE), the gentleman from Oregon (Mr. DEFazio), and the gentleman from Illinois (Mr. LIPINSKI) and others on both sides of the aisle who have worked so hard to bring this bill to the floor and to do the right thing for the American people.

Mr. Chairman, the horror of September 11 is forever imprinted in all of our minds. Nineteen hijackers filled with hatred breached airport security. They carried box cutters and knives in their bags. They forced themselves into four cockpits. They rammed these planes into the heart of America. They attacked the greatest military, and they attacked the greatest commercial buildings in the history of the world; and they killed thousands of people in the blink of an eye.

The system that allowed that to happen is still failing us today, 7 weeks after that happened. We hear stories about a man who just last week boarded a plane with a gun in his bag. Screeners failed to stop him. We hear stories about people who stuff box cutters into seats and leave them in seats. Screeners fail to stop them. We hear stories about people trying to bring pocketknives on planes and succeeding still today because screeners fail to stop them. Two weeks ago the Federal Aviation Administration gave 20 screeners in one airport a surprise test. Seven failed the test last week.

This is police work. The companies that have been doing this have failed the American people. They must, and I repeat, must be accountable for their failure. It is time for them to be accountable. It is time for them to be replaced.

The Young bill perpetuates the status quo. The Oberstar-Ganske bill creates a better improved security system. We must put security in the hands of the law enforcement officers. The American people, the brave, decent, wonderful people of this country deserve law enforcement in the airports. Federal law enforcement patrols the shores of the United States. They guard our borders. They track terrorists down. They are standing right now outside this Chamber protecting us and the people in this building. They protect the symbol of democracy.

I ask all of you, do you want to contract out the Capitol Police? Do you want to contract out the U.S. Marines? Do you want to contract out the FBI and the Customs Service? I do not think so. If it is good enough for us, it



is good enough for the American people. And today is the day to take that stand.

We have a bill that passed the Senate 100 to nothing. Every Senator, Republican and Democrat, voted for that bill; and we can pass that bill tonight. We can put it on the President's desk later tonight. It can be the law of the United States of America by tomorrow morning. We do not have to have a conference on whether tubas should be considered carry-on luggage. That is in the manager's amendment. We do not have to start worrying about whether to end the liability on the companies that failed us. We do not have to worry about whether the airline executives can have increases in their compensation.

We can start buying machines tomorrow to check every bag, to start reinforcing the cockpit doors, putting more marshals on the airplanes. We can increase the competence of our X-ray scanners. This is a night to act in the people's interest. This is not a time for politics as usual. It is a time to do what is simply, obviously right for the American people.

A lot of people have said to me, what is going on? Why can you not get the bill done? Well, I think yesterday's Wall Street Journal tells us what is happening. The companies that have the contracts, the lowest bidders do not want to give up the contracts. So they have hired Washington lobbyists to come and lobby the administration and lobby the Congress to try to hold on to their contracts. I do not mind them wanting to hold on to their contracts. But in the name of God, it is time to end those contracts and to do what is right to make people safe.

Finally, I urge Members to consider the people who are on the frontlines. I have here a note, every time I have get on an airplane now I get a note from the pilots. This is the note I got 2 weeks ago. And the pilots said, Why can you not get something done to increase our security? Why can you not get these simple, obvious provisions done so that flight attendants and passengers and pilots are not responsible for security?

This is the time to act in a totally bipartisan way.

I have been inspired by the American people in this crisis. I read a story the other night in the New York Times, the city of Middletown, New Jersey, where 250 or 300 people had been lost in September 11, in the World Trade Center.

They quoted a woman who had lost her husband. She had three little kids and she said, before this happened I did not even know my neighbors' names; and she said in the last days, neighbors from all over this region who I had never met and never knew came and brought flowers and brought food and brought notes of sympathy and came and hugged her and held her so she could get through the horror of what she was facing. She said what most

helped her was the sense that she, in the end, was not alone.

This is a great country. We have great people, and we have to act in their name tonight. We have to do what is right for them. Forget politics, forget the lobbyists, forget contracts and simply stand tonight in a bipartisan way to do what is right for the American people. This is a great country. Let us make it safer than it has ever been. Let us pass the bipartisan Senate bill. Let us make it the law of this great country tonight.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

If I thought the gentleman's words were true in the sense that that would happen, I would probably support the substitute. In the bottom of my heart, I do not believe that will happen. We will be back here and our people will not be safe. That is not the correct thing to do to the American people. Let us not kid the American people.

Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. VITTER).

Mr. VITTER. Mr. Chairman, I stand in strong support of the Young-Mica bill, and it is for a very simple reason, because I get on an airplane twice a week and my wife and my kids fly and friends and loved ones and family fly all the time; and in my judgment, which is the best judgment I have to determine my vote, I think this bill is the strongest security measure available. So I just want to make that clear to all of the Members, including the minority leader. It is not because I had some meeting with a lobbyist. It is because I want to protect my family, my friends, my loved ones, and my country.

Let me give my colleagues one specific example which I think is a crucial security question that has not been focused on enough in this debate and that is checked baggage. I was, quite frankly, shocked to learn that the FAA, even after September 11, does not demand that baggage of a passenger who does not show up at his gate and board his airplane is removed before the plane takes off. That is the rule for international flights. It is not the mandatory rule for domestic flights, and I find that inexcusable after September 11.

Under the Democratic bill, it would still not be the rule. It would not happen. It would never have to happen in every instance at all. That is simply inexcusable.

Under the Young-Mica bill and under the manager's amendment, that provision would go into effect the day after the bill was signed into law, and every checked bag of a passenger who did not board his flight would be pulled before the plane took off, and that could only change after a 100 percent screening policy of the luggage was actually implemented; and by the way, that is an absolutely crucial issue that we must address forcefully.

Mr. OBERSTAR. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from Minnesota (Mr. RAMSTAD), my very distinguished colleague.

Mr. RAMSTAD. Mr. Chairman, I thank the gentleman from Minnesota (Mr. OBERSTAR) for yielding the time.

Aviation security should be a law enforcement function, not a lowest-bid function. That is the bottom line. When we cut to the chase, that is really what this debate is all about. Baggage and passenger screening is a matter of national security, and national security should not be left to the lowest bidder.

How much more evidence than September 11 do we need that this critical police work should be done by a highly trained Federal airport security force?

Mr. Chairman, since September 11 I have talked with countless Minneapolis-St. Paul airport police, Northwest Airlines pilots, flight attendants, machinists, baggage handlers, gate agents, as well as many other constituents who are frequent flyers; and to a person they have all told me that baggage and passenger screeners should be law enforcement agents, not private security guards. They want screening done by law enforcement agents, not private security guards.

Mr. Chairman, the people I represent want us to move quickly to protect air passengers and restore a sense of confidence. If we pass the Oberstar-Ganske bill, we could have it on the President's desk tonight and make flying safer tomorrow. The Oberstar-Ganske bill will ensure the safety of air travel with armed sky marshals, secure cockpits, and screening of all baggage and passengers by highly trained, professional, law enforcement agents. Nothing less than law enforcement professionals will provide the long-term security of our aviation system that the American people want and deserve.

Mr. Chairman, I do not want the safety of the people of Minnesota put out for bids. We should not compromise the safety of any of our citizens. Let us do the right thing. Let us pass the substitute without further delay.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

I wish the gentleman would stay for a moment to understand one thing. He is talking about yesterday, not today. Our bill changes all those things, and by the way, the International Brotherhood of Police Officers supports my bill. The best law force group in the country, they support my bill.

Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, we have today, as we speak, more government workers than factory workers in America. The House is referred to as the microwave, quick and impulsive; the other body, crock pot, slow, deliberative and wise. Quite frankly, I think it is really reversed here.

I did not support the bill in its original form because of foreign ownership of these screening companies. I want to thank the leadership for including the Traficant language that requires American ownership of these companies.

□ 1615

And there will have to be developed companies that will bid for those services.

But, my colleagues, the Marines in Beirut had no civilian security. Terrorists are not easy to stop, and we are beating up on every screening party in the country. Quite frankly, a free enterprise system cannot survive with more and more employees. We right now have 50,000 American troops in Germany, and our borders are wide open. Is not the Border Patrol Federal employees? Do we not have 300,000 illegal immigrants in this country a year? Cannot a guerilla force of terrorists come through here with a nuclear device?

I support the Young-Mica bill. More and more government? Bigger and bigger government? That is not the answer. The Young-Mica bill federalizes standards and supervision. And, by God, those companies that bid should be owned by American citizens, and this requires it. Right now there are not enough companies that do this. Under this bill, it will encourage the American companies to do the screening.

My colleagues, we cannot micro-manage all of it. And when our borders are wide open, what do we expect? By God, bigger government is not the answer, and the microwave is on the other side of the Capitol.

Mr. OBERSTAR. Mr. Chairman, I yield myself 20 seconds to point out to the gentleman from Ohio, who is leaving the floor, that the manager's amendment does not require. It says a preference for hiring former employees. A requirement it be owned and controlled. It says to the extent that the President determines that there are firms owned and controlled by such citizens. They are all now owned, the major ones, by a foreign company.

Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, there is one point of agreement, and that is that the existing privatized airport security system is failing the American traveling public.

Now, we have a choice. We can overhaul that system or we can continue the status quo. Unfortunately, the Republican leadership has chosen to rename and dress up the existing failing system. They call it the Airport Security Federalization Act. They are going to require the private security firms to dress up their employees in Federal-looking uniforms with Federal-looking badges. They even say that they will be deputized, but given no law enforcement powers.

Now, how is that a change? The same companies that are failing us today,

and have failed us for 30 years, will still be running airport security. Securicor in the United States is under indictment, criminal indictment, for the second time in a year for hiring and maintaining known felons on staff and lying to the Federal regulators. They are going to have Federal regulators. What is a better Federal regulator than parole? These people violated their parole. Do my colleagues think the FAA bureaucrats can do better? I do not think so.

Their parent company is failing in Britain. In fact, one of the employees of that company, senior employee, said he would not let his family get on an airplane out of Heathrow Airport because he was so worried about their lapse in security.

So we have a choice here. We can dress up and make us feel better to have private security firms instead of armed Federal law enforcement agents providing the security of the traveling public needs, or we can have armed Federal law enforcement agents providing for the security of the traveling public needs. I think the choice is clear.

This system has failed for 30 years, and passing this bill is going to make it no better. There is only one option and one option that can go into effect tomorrow, and that is to pass the Senate version of the bill, which passed the Senate 100 to 0, and give the American traveling public the peace of mind and the security they deserve.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2½ minutes to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Chairman, I thank the distinguished chairman for yielding me this time and thank him and Chairman MICA, Members on both sides, for their hard work in bringing this legislation to the floor.

Mr. Chairman, this debate really is about public safety. That is after all why we are here, is to make sure we are doing everything we can to make sure that the traveling public in this country, those people who board airplanes, are safe and secure.

Now, what is happening here on the floor is they are talking a lot about the means. We are talking about the end. The bottom line is public safety. The President of the United States has asked for the authority to decide whether or not at various airports that end, public safety, is better achieved by the use of Federal employees or by the use of private contractors.

There is nothing in this legislation that excludes Federal employees from being used to accomplish the objective of safety. All we are simply saying is that the President of the United States and his Secretary, Mr. Mineta, who was the chairman of the Committee on Transportation and Infrastructure when he represented his State here in the Congress, have asked for the discretion to make that decision based upon what they view to be in the best inter-

est of protecting safety and providing security at airports across this country.

Now, Mr. Chairman, I represent a State that under the Democrat substitute would be considered a second class State, because six out of the seven airports in South Dakota would have different levels of safety and security applied than would the 142 largest airports in this country. We do not think in South Dakota that we are second class citizens. We think we should have the same level of safety and security that is applied to people boarding planes in Chicago, Boston, Philadelphia, New York, and L.A.

And, secondly, we do not think we ought to be charged more for it. The Democrat substitute charges people who originate in smaller airports a higher fee because they connect.

So, Mr. Chairman, I would simply say that we need a system in place, and this legislation prescribes a system which puts safeguards in place, not just baggage screeners but every aspect of airport and airline security and addresses it in a way that treats everybody equally. We want to make sure that people who get on planes in places like Pierre, South Dakota, have the same safety and security and the same fares as those who board planes in other parts of this country.

Mr. Chairman, this legislation moves us in the direction of safety and it puts a system in place across this country that will keep people safe and secure when they fly. Let us adopt it.

Mr. OBERSTAR. Mr. Chairman, I yield myself 10 seconds to make it very clear that there is a single standard of safety in the Senate bill that the gentleman from Iowa (Mr. GANSKE) and I offer in which the Secretary has authority to apply one standard to the whole country but to contract out as appropriate.

Mr. Chairman, I yield 15 seconds to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Chairman, I thank the gentleman from Minnesota (Mr. OBERSTAR) for yielding me this time. I just wanted to state, since it was mentioned earlier that a police union supports the Young-Mica bill, that the American Federation of State, County and Municipal Employees, AFL-CIO, is a strong supporter of the bipartisan substitute, and this union would wind up losing employees if our substitute is passed.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Chairman, today we will finally address aviation security, given 7 weeks after the tragic events of September 11. Today, public safety is threatened by an unprecedented event. War has been declared on the American people. Therefore, it is the Federal Government's job to protect our country during times of war and from threats to our national security.



Security at the Nation's airports should no longer be a private sector matter. Security must be a part of the front line of our national security. Therefore, to pass H.R. 3150 gives Americans the same old status quo and in no way provides the aviation security necessary to reassure the traveling public that it is safe to use our aviation system.

Simply put, the private contractors who currently have the responsibility for screening passengers and baggage failed on September 11 and, for that matter, for the past 3 decades. The bill that we have before us, 3150, does nothing but ensure the same old status quo. The private contractors that we entrust through H.R. 3150 will make the aviation system the same, with the same companies, who pay very low salaries, have turnover rates of over 400 percent, and have failed to detect dangerous objects recently planted by the GAO and the Department of Transportation.

I say to my colleagues that Congress owes a duty to the American public to ensure the strongest level of security possible at our Nation's airports. Let us listen to the American people. Let us listen to the mayors across this country. Let us listen to the port authorities. Let us listen to the American people. Pass this Oberstar-Ganske substitute bill.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. HAYES), who is a pilot, by the way, and flies here and yonder.

Mr. HAYES. Mr. Chairman, I thank the gentleman for yielding me this time.

An awful lot of work, a lot of time, a lot of hearings, a lot of studies have gone into this very crucial and important issue, and the first and last point in this debate is the security, the safety of the American flying public. I am a pilot. I have been to every hearing. I have listened to every hour of testimony. The Young-Mica bill, the President's position, provides the best security, the best safety for the American public as they fly.

Think with me for a moment. The gentleman or the gentlewoman in the left seat in the front of that airliner has a piece of paper called a license. That license certifies that they have met the recent competency requirements, they have met very stringent physical standards, they have gone through testing, and they are competent to perform the job that is required of them. That pilot does not work for the Federal Government.

The mechanic, the man or the woman who is at the maintenance facility, who keeps these aircraft maintained and flying safely, has a license. They are supervised by the Federal Government, but they are not a Federal employee.

The men and women who guard Federal courthouses, who do an excellent job under extremely trying cir-

cumstances, are not Federal employees.

The best system, based on history and present conditions, is a partnership using the authority, the experience, and the law enforcement ability of the Federal Government to set standards, ensure accountability, and then follow up and enforce those standards.

The end result is the safest possible condition for the flying public because of the training and the enforcement for the pilots, the mechanics, and the law enforcement officials. That is the issue here.

As we look at it, we all agree federalizing the standards is absolutely the correct thing to do. The system that we have now is not sufficient. It is broken, and we are going to fix it. The best way to fix it is with the Young-Mica and the President's position.

If we want to look a little further, the folks who did these horrible, unimaginably horrible acts came through a system that was controlled by Federal employees. Having everyone on the Federal payroll does not give us the insurance or assurance that we need.

Looking even a little bit further, under the bill of the gentleman from Minnesota (Mr. OBERSTAR), a good friend, and he has worked very hard and listened very carefully as well, there is a division of authority under that bill. Enforcement goes under DOT and screening goes under DOJ. Accountability comes from a firm, clear head. The supervision that we need, the standards that are required and the enforcement that comes from that gives us the safety and the security for the American public.

Mr. OBERSTAR. Mr. Chairman, I would like to inquire of the Chair the time remaining on each side.

The CHAIRMAN. The gentleman from Minnesota (Mr. OBERSTAR) has 11-3/4 minutes remaining and the gentleman from Alaska (Mr. YOUNG) has 10 minutes remaining.

Mr. OBERSTAR. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Chairman, I thank the gentleman for yielding me this time. I rise today in strong support of the Democratic substitute, the Oberstar-Ganske bill. It deals with airport security at a time when this Nation is looking to restore its confidence.

Requiring airport screeners to be Federal employees is needed in order to establish an effective, uniform system of screening across the Nation.

□ 1630

This is essential to restoring the flying public's confidence in the safety of our air transportation system. The aviation security proposals of the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA) are commendable, but they do not go far enough. Allowing the continued private contracting of screening services perpetuates the current system under

which screeners are paid near-minimum wage resulting in an average employee turnover rate of more than 120 percent nationally and more than 400 percent at some airports.

Mr. Chairman, we would never consider contracting out the duties of the U.S. Customs Service, Border Patrol, or the Capitol Police; and it makes no sense to do so with airport screeners. These screeners serve as America's first line of defense in aviation security. If federalized, screeners should be paid salaries commensurate with the law enforcement responsibilities of screening, which involves not only the ability to read X-rays, but the ability to interrogate individuals and conduct more thorough inspections in many different circumstances. Only through a uniform national system with professional Federal screeners can U.S. travelers be secure and be sure that they are being protected.

Mr. Chairman, there is a great deal at stake today in this legislation. This legislation is important to each and every one of us that gets on an aircraft once or twice a week. Every week as I go back to my district, people are asking why is it taking so long for the House to pass a bill that gives us confidence to get back on planes flying across this country. I urge my colleagues to support this legislation. It is important. It is imperative. It is the right thing to do.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 9 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, I came over to this side of the aisle to respond to the last speaker's comments of why this bill has taken so long. I will tell Members why: because I served in the minority, and some people when I was in the minority on the majority side treated me fairly, like the gentleman from New York (Mr. TOWNS), who I still respect to this day. Others treated me unfairly and never let me be heard. I made a determination if I ever had any position of authority in this House, I would treat everybody in a bipartisan, fair manner and hear all of the individuals, regardless of when they came to Congress or what their stand was; and I did that.

Mr. Chairman, we held extensive hearings day after day, week after week; and we stayed there and heard from every expert throughout the country so we could develop the very best bipartisan bill possible; and we came within one word of doing that, and I acted in a bipartisan fashion. I thank the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Illinois (Mr. LIPINSKI) for working with me. That is why the bill took so long. We did make every effort, and we tried to be fair and open and develop the best security measure for the House of Representatives.

Mr. Chairman, I return to this side of the aisle, and not returning to a partisan side, I want to return to the factual side. First we heard the minority

leader give an eloquent speech, and I have the greatest respect for the gentleman from Missouri; but he said the people failed, the screeners failed, and he talked about pocketknives.

Mr. Chairman, FAA set the standards. Up to 4-inch pocketknives were allowed. The screeners who were in place, in fact, were dealing with laws which had been passed by Federal employees by the FAA. Box cutters, there were no FAA restrictions on box cutters on September 11. We heard the minority speaker say we can get about buying machines. Let me show one of the flaws. Read the bill. I beg Members to read the bill. This bill on page 23, line 7, leaves the technology with the approval of the administrator of FAA.

Part of the problem we had on September 11 is we could not get the best technology possible in place. In fact, this language prohibits this type of technology because it says nonintrusive. This is the kind of technology that is available. We have 1970s and 1980s X-ray equipment. That is what we will have tomorrow if we pass the substitute that is proposed. This equipment can detect plastics, and we know plastic knives were something smuggled on board. This bill on the Senate side gives us a worse position than we were in on September 10, and it leaves technology in a terrible position.

We have heard if it is good enough for Congress, it should be good enough for the American people. I tell Members the ads that are being put on television by various groups are unfair. What we are proposing, every Member of Congress, their families, my children, my wife, will all be required to go through the same type of security. Read the bill on the other side. It creates a two-tier system. Look at page 17 and look at who is responsible. A two-tier system.

Look at page 22. There are 141 levels of security at some airports and law enforcement, and 319 small airports are relegated to possible Barney Fife-type enforcement. What is ironic about their bill, and read the bill, I am not kidding. It leaves law enforcement in the Department of Transportation, just the opposite of what the other side intended to do.

Technology remains with FAA, read the bill; law enforcement remains with the Department of Transportation. We can hire Ph.D.s to do screening. They are only as good as the equipment. They are only as good as the rules put in place. I defy anyone, come up here and show me one place where there is the ability to pass a rule that needs to be passed.

The problem with airline security is that we cannot get a rule in place. We cannot get a rule to buy the latest technology. There is no provision in the Senate bill, so Members are worse off than they were on September 10 because there is no ability to get the best technology in place.

Look at the provisions for the Under Secretary of Security and Transportation. We deal with all of these things,

and we delineate them with a clear line of authority. This bifurcates it. The Department of Justice says they cannot handle it. In fact, they issued a letter and said it will interfere with their main responsibility right now, which is to deal with terrorism. This is their letter. This is what they said. The bill from the Senate side will actually deter their efforts to deal with terrorism.

Mr. Chairman, I defy anyone in the House to take this bill and diagram this bill as to how it will work. We tried to do this. It is not only bifurcated with different levels of responsibility between different agencies and different levels between big airports and small airports, it would create a maze.

The argument that we do not use private contractors, this is a list of 20-some agencies, including Department of Defense, all of our nuclear facilities and on and on, we use contract security personnel with high standards and high qualifications, as we propose in our bill.

When Members go back, I want them to tell their constituents what they did if Members pass the Senate bill. It is no longer 28,000; it is 31,000 according to Congressional Budget Office, who has looked at the bill from the other side.

Other protective services, Federal protective services, 442 employees. What failed was not the baggage screeners which we can all pick on because they are lowly paid now, and our bill changes that system. We have Federal oversight of the entire program. We have Federal management and Federal supervision and Federal testing and Federal background checks. And most importantly, we have Federal oversight of the whole program.

If we want to put Federal employees someplace, there are only 4,087 United States marshals. I called the visa section and asked how many people are there issuing visas. Mr. Atta got a visa from a Federal employee. We can put people with Ph.D.s, and Mr. Atta, if he was given a visa and passport approval to come into the United States, would get in under the Senate measure.

Border patrol, we only have 323 border patrol people in Canada. This is where we should be putting our Federal employees and resources. I chaired the Subcommittee on Civil Service and Agency Organization for 4 years. I tried to get performance standards for Federal employees. We passed it in the House, and it failed in the Senate. If we want high standards, it is impossible to do it in the Congress; but it is possible to have the best possible people with a private-public partnership with high standards, high qualifications and put those provisions in place. The choice is clear, my colleagues; and I hope Members put politics aside and put security for all traveling Americans in the forefront.

Mr. OBERSTAR. Mr. Chairman, I yield 30 seconds to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Chairman, I want to go on record as saying that the gentleman from Florida (Mr. MICA) has done an outstanding job trying to bring everybody into this process. He put a tremendous amount of time into it. I certainly appreciate that, and I know everybody on this side appreciates it very much.

We do not know where the 31,000 figure comes from. I know that it comes from the Congressional Budget Office, but it is really up to the President to determine how many there will be. Members have to remember that we do enplane over 600 million passengers in this country every year.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. Mr. Chairman, I rise today in opposition to the bill and in strong support of the bipartisan substitute. I support the substitute offered today as it has already passed the United States Senate and will be sent directly to the President if passed by this body today.

The substitute contains many of the provisions that I and other Democrats on the Subcommittee on Aviation introduced on September 14: more sky marshals, limiting carry-on luggage, putting the Federal Government in charge of security at our Nation's airports, and having professional, career law enforcement officials in charge of baggage screening and security in general.

It is the last point that some Members of this body cannot accept, despite the overwhelming approval of the American people in passing the United States Senate by 100 to zero. Currently, privately contracted baggage screeners earn about \$6 an hour, and receive little to no training. At Lambert International Airport in St. Louis, the turnover rate has been as high as 400 percent. Many of these screeners are not U.S. citizens, which contributes to language barriers; and it makes it difficult for us to perform background checks on them. It simply makes sense to make sure these positions are filled with career law enforcement professionals.

How can we expect the FBI, CIA, and other career law enforcement professionals to share sensitive information about potential terrorists with non-career contract employees who will only be on the job a few weeks? The substitute bill makes the Federal Government responsible for hiring, training, and ensuring that we have a functional, properly trained workforce.

Federal law enforcement professionals, career professionals at the Secret Service protect the President, the Vice President, the White House. Federal law enforcement career professionals protect Members of Congress and the U.S. Capitol. Federal law enforcement career professionals protect the Supreme Court Justices and the Supreme Court, and Federal law enforcement career professionals should

be responsible for security at our Nation's airports and protecting the flying public and the American people. I urge passage of the substitute.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

(Mr. NADLER asked and was given permission to revise and extend his remarks.)

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Mr. NADLER. Mr. Chairman, in the 2 months since September 11, we have not passed an aviation security bill because of one issue: Should Congress sit back and allow private security companies to continue to provide the so-called security at our airports? Or should we mandate that security be handled by professional Federal law enforcement personnel? These private security companies, despite what people say about Federal supervision, would not work. They have committed thousands of screening violations. They have been charged millions of dollars in fines by the supervisors, and yet they are even now failing to conduct proper background checks, hiring convicted felons and lying about it.

The Democratic substitute will make our airports secure by entrusting security to professional law enforcement officials. It is not an unreasonable request. The Senate voted for it 100-to-nothing. Unfortunately, the House Republican leadership is putting the lives of millions of Americans at risk by opposing Federal airport security on the ideological grounds that we should not increase the number of Federal employees. I do not recall anyone objecting in 1942 to plans to hire 10 million new government employees in order to enlarge the Army and the Navy to create additional divisions and air wings to fight World War II. The argument is just that absurd.

All security functions are, and should be, handled by the Federal Government, the FBI, the CIA, the Coast Guard, the Border Patrol, the INS, the Armed Forces, all except our airport security. Nobody advocates hiring mercenary soldiers or sailors or private police to replace the FBI. The results of making an exception for airline security are now all too evident.

The American people demand airline safety. The American people demand a Federal enforcement force. And they will not stand for petty political considerations blocking proper law enforcement and proper safety to protect our lives when we fly.

I urge my colleagues to vote for law and order. I urge my colleagues to vote for airline safety. I urge my colleagues to vote for the Democratic substitute.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, the passengers want it overwhelmingly, the pilots want it unanimously, the Senate wants it unanimously. What

happened to us? We must know something they do not know. Where are we on this issue, anyway? Let us take a look at the RECORD.

Airport fast food restaurants are paying higher than those folks that have been hired to screen. What are we going to get? We are going to get what we pay for. It is no wonder that the number of people that are turning over in every airport is astronomical. In Atlanta, the airport in Atlanta, Georgia, over 400 percent turnover in a 2-year period of time. You get what you pay for.

You are simply painting an old system to make it look differently. You are camouflaging it and you are putting my family at risk and I do not like it. Americans do not like it. They have made it very, very clear. This is a national security issue. We better stand up for our own families.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the distinguished gentleman for yielding time and for his leadership on this issue.

Mr. Chairman, 7 weeks ago, terrorists used our own commercial airliners as deadly weapons against us. For years transportation experts have blown the whistle on airline security and today we have an opportunity, indeed a responsibility, to make the change necessary to make America's skies safe for Thanksgiving.

Mr. Chairman, for too long the airline industries and their private screeners have not only neglected public safety, they have made a decision against it. Today, we should not support the dangerous status quo. Instead, we should vote a public indictment against a system which has failed to train screeners, which has failed to invest in human resources and has failed the American people.

That is why 100 percent of the United States Senate voted for a proposal that the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Iowa (Mr. GANSKE) are presenting to us today. I urge my colleagues to support that amendment. Ensuring our personal security is a bedrock responsibility of government. Support the Oberstar-Ganske substitute.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Chairman, it is incredible to me that 7 weeks have passed since September 11 and this is the first security bill that we have brought to the floor, although we immediately brought up the \$15 billion bailout for the airline industry as they were laying off 100,000 workers and not one time for the workers.

On October 11, the Senate passed a bipartisan aviation safety bill 100-0. I keep hearing over and over again from my colleagues that this is not a perfect bill. I have been here 9 years and I have

not seen a perfect bill, but this bill the Senate passed is a perfect start. It is a perfect start and we have much more work to do.

As we speak today, there are schools that are training people from terrorist countries, paying them \$25,000 in cash, and we have not done anything about that. The Bible says to whom much is given, much is expected. The people of this country are expecting much from the people of this House. Let us pass the Senate bill.

Mr. OBERSTAR. Mr. Chairman, may I inquire of the time remaining in general debate?

The CHAIRMAN. The gentleman from Minnesota (Mr. OBERSTAR) has 2½ minutes remaining and the gentleman from Alaska (Mr. YOUNG) has 1 minute remaining.

#### PARLIAMENTARY INQUIRY

Mr. OBERSTAR. I would like to propound a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. OBERSTAR. Mr. Chairman, is it correct that under the rule, the manager's amendment is not subject to change except for unanimous consent?

The CHAIRMAN. Under the rule, the amendment cannot be amended. However, the offerer of the amendment by unanimous consent could modify the amendment while it is pending.

Mr. OBERSTAR. I raise the issue because there are questions moving on the floor from Members that promises have been made regarding the manager's amendment, and as the Chair just indicated, the manager's amendment is not subject to change unless unanimous consent is asked and obtained.

Mr. Chairman, I yield 1 minute to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, yesterday may have been Halloween, but we are scaring the American public today. They know that we have a failed system of privatization. They know that hundreds of airports across the country deserve a unified system. They know that the FAA has powers that it has failed to put into effect. They know that time after time, private contractors have missed the mark. Putting costumes on private rent-a-cops, calling them Federal officials, naming the bill federalization does not give the level of confidence the public wants. It may be a treat for the private contractors but it is a sad trick on the public.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, the well-known definition of insanity holds that when we repeatedly do the same things that we have done before without any meaningful change but somehow expect the result to be different this time, that is insanity.

Our experience tells us when we do only that which we have done before, we can expect the same outcome, the

same result. We cannot allow these failures to continue. We must support the Oberstar-Ganske substitute bill. It makes sense. It is not insanity. The rest of the verbiage I have heard today is insanity.

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Minnesota is recognized for 30 seconds.

Mr. OBERSTAR. Mr. Chairman, I just want to point out that there were references made earlier in debate to the complex way in which security would be organized under the bipartisan bill. In fact, it is not complex at all. The bill provides very clear lines of responsibility. The bipartisan substitute outlines who is responsible for what. The Justice Department is responsible for four aviation security areas: Passenger and baggage screening, including training of personnel; guidelines for Federal air marshals; background checks of aliens; and notifying critical persons about who may pose a risk to aviation security.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself the balance of my time.

The bipartisan bill was very close, up to one word, and I got derailed. The bill that is being suggested as a substitute is a bipartisan bill in only some people's minds and it does not give us the security, as I have mentioned before. We do change the system. I have heard people say it is the same old system. We do federalize. We do supervise. And we do, in fact, nationalize in some cases. We give the latitude to the President, do what is best for the best security for our flying passengers. That is what my bill does.

The Senate bill does nothing. I will not be part of that which kids the public. I want to go to conference. I have committed, the President has committed to going to conference. We will write a bill with the help of the gentleman from Minnesota (Mr. OBERSTAR) very similar to what our bill is, which he agreed to, and he knows that.

I am certainly chagrined at the fact that we are letting the Senate, and since when has the Senate become the gurus of transportation, I ask the gentleman from Minnesota? They are not. I believe we are.

I am going to suggest that we vote for the Young-Mica bill, make it the right bill, go to conference and do the job correctly.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would ask Members of the House one more time, not to characterize Members of the other body.

PARLIAMENTARY INQUIRIES

Mr. YOUNG of Alaska. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. YOUNG of Alaska. Mr. Chairman, we are discussing the Senate bill, it has been brought up numerous times, and I think we have a right to

speak of the Senate bill. I will continue to speak of the Senate bill. It is the Senate bill.

Now you can answer my parliamentary inquiry if you would like to. The parliamentary inquiry is why could I not?

The CHAIRMAN. The Chair would remind Members that they are free to discuss the contents of a pending bill that comes out of the Senate. However, the Chair would just remind Members to try not to characterize Senators.

Mr. OBERSTAR. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Minnesota will state it.

Mr. OBERSTAR. The measure pending is the substitute that I have offered in my name and on behalf of the gentleman from Iowa (Mr. GANSKE). Is that not correct?

The CHAIRMAN. The measure pending is H.R. 3150.

Mr. OBERSTAR. Yes. But the substitute, which has been referred to, that is provided for in the rule, which I will offer for myself and for the gentleman from Iowa (Mr. GANSKE), is the measure, it is the substitute, is a House provision, is a House measure. Is that not right?

The CHAIRMAN. What it would be is an amendment to be offered by the gentleman from Minnesota.

Mr. OBERSTAR. So the Chair's admonition about reference to measures from the other body is appropriate.

The CHAIRMAN. The Chair was addressing references to the Senate bill.

Mr. OBERSTAR. I thank the Chair for the clarification.

Mr. NETHERCUTT. Mr. Chairman, I rise to speak today in favor of H.R. 3150 and its provisions relating to assistance for small airports. Though disagreements remain how to permanently improve security screening at all airports, it is heartening to see a bipartisan effort to solve the current problems with airline security. I am encouraged by the bill's content in all areas and hope this important piece of legislation is passed.

Mr. Chairman, two small commercial airports in my district, Pullman-Moscow Regional Airport and the Walla Walla Regional Airport, have been severely affected by the enhanced security directives and the regulations imposed on parking and "loop roads" instituted after the tragic events of September 11th. The restrictions placed on passenger vehicle access to the terminal and parking were prudent in the immediate aftermath of the attacks, but their prolonged presence has resulted in the closure of many small businesses across the country. Two small businesses located in the Walla Walla Regional Airport either directly, or indirectly, were forced to close due to these restrictions. I know many of my colleagues have small airports and aviation-related businesses in their districts facing similar hardships.

Many airports in rural areas act as a vital link between the economies of small communities and large cities. I commend the Chairman's foresight to preserve the viability of these airports by allowing Airport Improvement Program funds to be used to hire, train, compensate or reimburse law enforcement personnel.

Some security measures, such as the screening of baggage and a law enforcement presence at checkpoints, must be applied uniformly to all airports in order to fulfill America's larger mission of securing our National Airspace System; however, state and local officials can better assess the threat to the terminal itself based on the unique characteristics of each airport. For instance, terrorists thrive on maximizing carnage and destruction with the few resources in their possession. Though the horrible crimes perpetrated on September 11th can easily be painted as irrational, terrorists tend to be very rational in their target selection. Using this analysis, small, rural airport terminals are less attractive targets because of the limited number of people using them and their geographical distance away from major populations.

I am pleased the FAA has come to realize that the financial hardship incurred by smaller airports is largely disproportionate to their level by rescinding the ban on parking last week at Class IV airports. However, slightly larger Category III airports continue to face these hardships. Without flexibility in certain areas, the economic burdens placed on small airports and regional airlines to cover these enhancements will result in a severe contraction of our air transportation system.

I am pleased that Section 22 of this bill recognizes the need for flexibility in this area by allowing local airport operators, in consultation with appropriate state and local law enforcement authorities, to conduct a threat assessment of the airport facility to determine the necessity of the 300-foot parking restriction at all airports. I have the utmost confidence in local officials to decide how best to mitigate the threat to smaller, low-risk airport terminals.

I strongly urge my colleagues to pass H.R. 3150. This bill is flexible and will enhance the security of our transportation infrastructure while limiting the financial mandates on vulnerable airports like those in my district.

Mr. KIND. Mr. Chairman, aviation security is a matter of national security. In the wake of the September 11th attacks, when the terrorists were able to take weapons on board four separate flights with ease, it is vital that the Congress act now to pass comprehensive legislation to prevent future assaults. We must take this opportunity to make our nation's skies safe for all Americans.

Mr. Chairman, we must act now to plug the holes in our aviation security network. We need to invest in technologies that can screen all luggage that is checked onto a plane, and not settle for the low percent that is x-rayed now. We must pay and train our passenger screeners more so that they will have the tools they need to perform their jobs effectively. We must also invest in security measures at airports to ensure that the people who work in and around grounded planes are authorized to do so. And finally, we must invest in technologies that will make our planes safer, including stronger cockpit doors and other security measures so passengers and crew are protected during flight.

Mr. Chairman, experts agree that our current airline security system is broken. We need to invest in technology and people to make sure that both our airplanes and airports are symbols of safety and freedom, not outlets for attacks on America. For this reason I support the bipartisan Ganske/Oberstar substitute.

Mr. GILMAN. Mr. Chairman, I rise in support of H.R. 3150, the secure transportation for

America act of 2001 which addresses a variety of important security issues within our nation's air transportation system. Airline security is arguably the most pressing national security matter facing our nation today and it is high time for Congress to move forward on this issue. In contrast to the competing legislation on this issue, H.R. 3150 will allow our nation's federal authorities to make quick and effective changes to the inadequate airport security system currently in place. Within three months of implementation, this bill will establish the transportation security administration (TSA), an independent agency in the Department of Transportation that will be responsible for overseeing our nation's airline security. This new agency will move quickly to place uniformed federal law enforcement officers at passenger and baggage check-in points to supervise the screening process. It further mandates that the Federal Government will conduct background checks on passenger and baggage screening personnel who will also be subject to much stricter employment requirements. Moreover, H.R. 3150 not only authorizes \$500 million for cockpit reinforcements but it also dramatically expands the Federal Air Marshall Program. Mr. Speaker this is a balance and pragmatic approach to reforming and enhancing our Nation's airline security system. I join President Bush, Governor Pataki, Mayor Giuliani, and the Fraternal Order of Police in supporting this measure and I urge my colleagues to vote "yes" on the measure.

Mr. JONES of North Carolina. Mr. Chairman. In the days and weeks since September 11 it has become evident that the United States has a long way to go in order to improve aviation security. There is a critical need to develop a security system that far surpasses anything that exists in Europe or Israel as well as rigorous Federal oversight of security measures that strike a balance to ensure that civil liberties are not endangered while protecting the safety of passengers and crew.

HR 3150, the Secure Transportation for America Act of 2001, overhauls the antiquated security systems that failed the American public. It requires the Administration to adopt tight standards for screening passengers and baggage and makes all screening processes, background checks and testing subject to strict federal oversight. HR 3150 also expedites the deployment of more Federal Air Marshals and directs the Federal Aviation Administration to take steps to strengthen cockpit doors.

There has been a great deal of talk about federalizing almost 30,000 security screeners at our nation's airports. In the wake of September 11 that sounds on the surface to be positive, but Mr. Speaker, it is not the long-term solution the American people need because it will not automatically improve security.

Previous experiences with various federal workforces, in particular the Immigration and Naturalization Service, is an example of a federal workforce that faces difficulties performing at acceptable levels of accountability. Time and again taxpayer dollars are spent to fund agencies that talk a good game while training through a difficult learning curve and providing very little in the way of actual services.

Another problem with federalization of airport security would be how to best transition from private screeners to federal screeners. It

is unclear how quickly a federal workforce could be assembled, possibly putting security improvements on hold, thereby inadvertently increasing the vulnerability of air travelers and cargo.

The bill before us today replaces the current failed system. It requires the federal government to take over responsibility for the screening of passengers and property on passenger aircraft. The federal government can do this by contracting with a security company to perform this task with rigorous Congressional oversight. This is the necessary tool to ensure both a safe and secure aviation system.

There is an old saying that the most permanent thing in Washington is a temporary federal program. Our friends on the other side of the aisle want you to believe that a federal aviation security force will be the answer to our problem of airline security simply because the Senate passed the same version 100-0. I would respectfully submit that just because the Senate unanimously supports their plan does not mean that this House will serve as a rubber stamp for bad legislation.

The American people deserve to feel safe when they fly. They also deserve and demand an accountable federal government. I believe strongly in the free enterprise system and I further believe that the least economical and least efficient way that you can do anything is to give the federal government more power.

Lastly, I want to touch on the issue of arming flight crews. Many of our civilian pilots served in the armed forces as soldiers and airmen and thus have extensive previous experience with firearms. I believe this proposal has merit. As long as the program is voluntary and not compulsory and the cockpit crew has the necessary training in firearms, I believe it is more than appropriate for firearms to be present in the cockpits on commercial flights.

The cockpit must be defended and every man and woman on the flight crew has a role in that defense. In fact, according to a recent public opinion poll conducted by the Winston Group, 77 percent of Americans who favor gun control also favor arming flight crews.

We have the critical task before us to pass an aviation safety bill that will reassure the travelling public that it is again safe to fly. From bolstering airport security to authorizing Federal Air Marshals to reinforcing cockpit doors, HR 3150 is the first step in ensuring secure commercial aviation.

Mr. DELAHUNT. Mr. Chairman, I will address separately the deficiencies of this bill in regard to airline security. But there are parts of the manager's amendment that have nothing whatsoever to do with airline security.

In September, we passed legislation that limited the liability of air carriers to the victims of the September 11 attacks. This amendment would expand that limitation to other parties yet unnamed and unknown, who face potential liability.

Some of the parties covered by this sweeping provision may well be entitled to relief. But the language would limit liability, grant immunity from punitive damages and waive prejudgment interest even for private airport security contractors who wantonly, recklessly or maliciously hired convicted felons or failed to check for weapons.

Nobody is seeking to hold responsible those who bear no blame for what occurred. But this amendment lets companies off the hook even if they knowingly engaged in conduct that put Americans at risk on that fateful day.

It caps plaintiffs' attorneys fees, making it even harder for victims to pursue meritorious claims in court. And it stacks the deck still further by placing no comparable limit on the amounts that corporate defendants can pay their lawyers.

These measures come barely a week after the House voted for a so-called "economic stimulus" package that gives away billions of dollars in tax rebates to U.S. corporations free-and-clear. Including \$1.4 billion to IBM and \$833 million to General Motors. All-in-all, \$3.3 billion to seven blue-chip corporations, none of whom—none of whom—suffered specific harm as a result of the terrorist attacks.

At least that giveaway did not reward wrongdoers at the expense of their victims. The giveaways in this bill do.

I urge support for the bipartisan substitute and defeat of the amendment.

Mrs. MINK of Hawaii. Mr. Chairman, America's confidence has been severely weakened by the tragic events of September 11, 2001. People will not fly until they feel safe! Hawaii's hotels and beaches are empty while people wait for Congress to assure us that it is safe to fly. We gave the airline industry their money ten days after the terrorist attacks but our Republican leadership has delayed for two weeks after the Senate passed its version by a vote of 100 to zero.

I believe airport screeners should be federal employees. 80 percent of the American public supports federalizing airport baggage screeners. The Association of Flight Attendants and the Air Line Pilots Association, our front line employees, support federalizing the screeners. The current system does not work. The workers are poorly paid and poorly trained, with a turnover rate of more than 120 percent nationally and more than 400 percent at some airports. Safety of our airplanes requires upgrading these important employees who are our first line of defense.

Airport Screening personnel should have the same benefits of federal law enforcement officials. These workers must be able to work with sophisticated machinery, be adequately trained, and will be responsible for ensuring nothing hazardous gets on our airplanes. These extremely important workers deserve to have pay and benefits commensurate with other federal law enforcement officers.

Opponents contend that the hiring of federal employees will create a bureaucracy that will not allow the government to fire employees for poor performance. This is simply not true. There are specific provisions that allow the government to fire workers who do not perform.

Despite the intense media attention on airports and airport screeners, we continue to have serious breaches in security. A man carried a loaded gun onto an airplane, one-third of airport screeners at Dulles airport failed a "pop quiz" on their fundamental duties, and undercover agents have continued to slip through security checkpoints with knives and box-cutters. If these private companies cannot adequately secure our airplanes when the pressure is on them to shape-up, how can we trust them in the future when the publicity fades?

The Democratic substitute is not a perfect bill but it is a more effective bill than the underlying bill. It will reinforce the cockpit door and make it impenetrable to intruders. It will expand the air marshal program to hire, train,

and deploy more air marshals and require airlines to seat them. It will require flight crews to be better trained in hijack prevention and require the Department of Justice to conduct a study on giving flight attendants non-lethal weapons to protect themselves.

The substitute also leaves open the possibility for the implementation of various technologies to deter terrorist attacks, both on the airplane and in the airports. I am hopeful it will include cameras that look into the cabin so the pilots can see what is happening and in addition provide radios that let flight attendants communicate with the pilots. I am also hopeful that devices that allow pilots to land the plane safely in the event of smoke in the cockpit become standard equipment on all commercial planes.

The bottom line is people will not fly until they feel safe. They will not feel safe until the federal government regains their confidence by giving our passengers the best security possible; a professional, federal screening security workforce. The Republican bill continues the status quo; using low-bid private contractors that will continue to suppress salaries and benefits and leave the workers wanting to leave their jobs for higher paying jobs in the airport, such as the coffee-shop.

I am disappointed that this bill allows guns in the cockpit. If we are going to seal off the cockpit and not allow anyone in or out, what is the point of having a gun in the cockpit. I would favor having a gun in the cockpit to be used only if someone gains access to the cockpit, but not to allow a pilot to ever leave the cockpit to confront anyone. The pilots only job should be to fly the plane. They should never leave the cockpit, risk losing control of the plane, and hazard all the lives of the passengers.

I am also disappointed that this bill still does not include provisions that provide much needed assistance for the hundreds of thousands of laid-off workers. I remain hopeful that after we have established a federal screening workforce, the House will immediately move to give workers relief by extending unemployment compensation for 26 additional weeks, raising the unemployment benefits, and paying for a full 72 weeks of COBRA or Medicaid health insurance.

Mr. CLEMENT. Mr. Chairman, all of us gathered today know that aviation security must be radically improved. The current system is clearly broken. And fixing it is of dire importance to the American traveler, and to the nation at large. For we are a country built on travel. The freedom of mobility is not a convenience for Americans, but a way of life.

That is why I support the bill that our colleagues in the Senate passed 100-0, as I have supported other plans that address the need for drastic improvements in aviation security. The Senate unanimously adopted this plan because it knows that federal screeners at our nation's biggest airports will restore public confidence, and public confidence will restore ailing airlines and our desire to travel. With a recent Washington Post poll showing that 82% of all passengers support federal screeners, our path is clear. All we need to do now is follow it.

The bipartisan substitute before us recognizes that airport security is the first line of defense against terrorism. And, that national security is the foremost responsibility of the federal government. We don't contract out the

military, the FBI, the CIA or for that matter, the Capitol Police, Federal workers guard our borders through INS and Customs. We should not expect less for those protecting the safety of our skies.

But, perhaps most importantly, I believe that federal screeners at the large airports and local law enforcement at smaller airports is the best way to address the need for greater security right now. By passing this substitute, we can quickly present a bill to the President for the signature which he has pledged. I recognize the need to build a bipartisan solution to this pressing problem and that is what this substitute offers. It addresses the main issues that both sides agree must be changed and takes a measured approach to the federalization of the screener workforce. I believe that this is the kind of common ground we must build in order to make the improvements to aviation security that the American public demands.

This bipartisan substitute is the best choice for the nation. We must act now to secure our aviation system and get people traveling once again. I urge my colleagues to vote for the measure before us.

Mr. CONYERS. Mr. Chairman, I rise in strong opposition to the Manager's amendment and in support of the Democratic substitute.

Airport security is a legitimate federal responsibility. Just as we protect our borders, guard against smuggling, and protect against illegal drugs, we must also protect our citizens against terrorists who board our planes and travel our skies with guns, knives, and bombs.

However, the Manager's amendment does not accomplish this. Instead, this amendment expands the provision that we already passed, limiting liability for airlines that were used by terrorists on September 11, 2001 and applies that provision to "any person liable for any damages arising out of the hijacking." This would limit the liability of everyone, including an airport security company that allowed terrorists to get on a plane with box cutters.

Even worse, the liability provisions go far beyond the protections included in the airline bailout bill we passed in September. This is because the amendment totally bans punitive damages, eliminates prejudgment interest, mandates collateral source, and limits victims' attorneys' fees. All of this was done without the benefit of a single hearing or any consideration by the Judiciary Committee. And all of this harms the victims.

Members should know that these provisions are far more extreme than the liability relief requested by the supposed beneficiaries of the provisions—the owners of the World Trade Center and the airplane manufacturers. This amendment is too broad, benefits the wrongdoers, and would have a number of harmful and unintended consequences for victims of terrorism. Please vote no on the manager's amendment and support the Democratic Substitute. Passing this manager's amendment constitutes special interest legislating at its worst. It is wrong and I urge the Members to reject it.

Attached is a section-by-section description of the liability limitation provision in Managers amendment:

On September 22, 2001, the "Air Transportation Safety and System Stabilization Act" was signed into law by the President. In addition to providing federal assistance to the

airline industry, it provided for a two track liability system. The first track creates a victim compensation fund, which provides victims of the September 11, 2001 terrorist-related aircraft crashes at the World Trade Center, the Pentagon, or site of the aircraft crash in Shanksville, Pennsylvania, with compensation. Specifically, the legislation authorizes a Special Master, appointed by the Attorney General, to review claims, within 120 days, submitted by claimants. Negligence is not required to be established to obtain compensation under this track. Funds for this victim compensation fund are taken derived from authorized funds from the federal government.

The second track is available to persons who elect not to pursue the victim compensation fund. These individuals can pursue a more traditional tort claim based on negligence. But if the claim is against American or United Airlines, it must be brought in the District Court of the Southern District of New York, where all the cases are to be consolidated. In these cases, liability is limited to the amount of available insurance.

The Manager's amendment does not disturb the Victim's Compensation Fund. However, it does amend the second track to expand the number of companies eligible to benefit from the liability limitations available described above and to add new limitations, namely eliminating punitive damages, eliminating prejudgment interest, mandating collateral source and capping victims attorneys fees. The following is a more detailed summary of the Section 201 of the Manager's Amendment.

*Limiting liability for unnamed and unknowable parties (section 408 (a))*

The amendment would expand current law from limiting the liability of air carriers to limiting the liability of "any person" liable for any damages arising out of the September 11, 2001 hijacking and crashes. Under this new provision, the Federal government is asked to go far beyond the two named defendants that it currently protects in the Air System Stabilization Act (United Airlines and American Airlines). In fact, this provision requires the government to assume liability for "unnamed parties" including possible bad actors. Although this new amendment would provide coverage for those who have asked for and may well warrant relief (such as the owner of the World Trade Center and the Boeing Corporation), it would also limit the liability of the screening companies whose negligence may have allowed the hijackers to enter the aircrafts with weapons. This expansion of the legislation would allow hundreds of unknown parties to have protection against liability whether the protection is warranted or not. At a minimum, those eligible for limited liability should be identified, their insurance coverage ascertained, and the need for this protection substantiated. As a result, this bill shifts untold amounts of liability to the federal government with no substantiation.

*LIMITS ON DAMAGES (SECTION 408B (B)(4))*

The amendment would impose a new limitation on damages injured victims can recover by stating that a party of the action is not liable beyond the amount of its insurance. The bill also specifically provides that any responsible defendant shall not be held responsible for (1) punitive damages or (2) interest prior to the judgment. It also limits the amount of recovery an injured plaintiff can receive by subtracting from the award any amounts the plaintiff may have received from other wrongdoers (collateral source).

(1) Punitive damages are monetary damages awarded to plaintiffs in civil actions when a defendant's conduct has been found to flagrantly violate a plaintiff's rights. The



standard for awarding punitive damages is set at the state level, but is generally allowed only in cases of wanton, willful, reckless or malicious conduct. These damages are used to deter and punish particularly egregious conduct.

Eliminating punitive damages totally undermines the deterrent and punishment function of the tort law. The threat of meaningful punitive damages is a major deterrent to wrongdoing, and eliminating punitive damages would severely undercut their deterrent value since reckless or malicious defendants could find it more cost effective to continue their callous behavior and risk paying small punitive damage awards. If a baggage screening company hired a felon, the company could normally be held liable for punitive damages. However, this proposed provision could remove the ability of a victim to make such a claim.

(2) Interest payments are an added incentive to move the judicial process along because a delay would result in a penalty of added interest to the judgment. Without the threat of added interest payments defendant attorneys may be prone to delay proceedings because the real dollar value of a judgment amount would be reduced, making the judgment the same no matter how long the process. Both Virginia and New York law allow for pre-judgment interest in certain cases. Limiting interest would unfairly affect the judgment award collected by the victims and leave them vulnerable to a delayed judicial process.

(3) Collateral source reduction would mandate the reduction of the amount of the victims' award by collateral source compensation received by the claimant or that the claimant may be entitled to, such as health or disability insurance. Neither New York nor Virginia require the court to reduce an award by collateral source compensation. There are two problems with this change:

First, a reduction of a victims award due to collateral source compensation would result in wrongdoers escaping their responsibility. This amendment subtracts any other potential sources of recovery the victim may have from any damages the wrongdoer should pay. Losses caused by negligence or wrongdoing would be shifted from liable defendants to the government or private insurers who made the "collateral source" payment.

Second, the amendment does not require that the victim is actually able to collect from the insurance policy or other collateral source for the wrongdoer to escape responsibility. The amendment only requires that the victim be entitled to recovery from some other source.

#### *Caps on attorneys' fees (section 408(b)(5))*

This provision limits victims attorneys' fees by making them subject to court discretion and by limiting the amount charged to 20 percent of the damages ordered by the court or the settlement. An attorney who violates this limitation will be fined up to \$2000, imprisoned for a year, or both. Neither New York nor Virginia allow attorneys' fee caps. Instead, those states require a lawyer's fee to be reasonable.

Fee caps result in less access to justice for lower income populations. A payment ceiling or fee cap limits the economic incentive for attorneys to take on complex or difficult-to-prove claims under the contingency fee system. In turn, this would make it much more difficult for lower income populations to secure good representation.

Further, this proposal is one-sided because it only applies to plaintiffs' attorneys. It is blatantly unfair to allow defendants to spend unlimited amounts of money on representation while plaintiffs, even when dealing with

the same legal issues, are severely limited in how much they can spend.

#### *One way disclaimer (section 408(d))*

This amendment provides a disclaimer which states that nothing in the section implies that a person is liable for damages arising out of the hijacking and crashes of September 11, 2001. The language in the amendment as written is one-sided. If it was neutral, it would provide that nothing in the section implies that a person is liable or not liable for damages arising out of the September 11, 2001 hijacking and crashes. This is illustrative of the overall problem with the amendment—it is written from a totally one-sided perspective to benefit defendants with little regard for victims.

Mr. SMITH of Michigan. Mr. Chairman, I rise in support of the bill, H.R. 3150 to improve the security of air travel.

This bill establishes a clear federal responsibility to ensure airport safety. It creates a new Under Secretary in the Department of Transportation to set and implement the tough new security standards.

One major question has been whether or not every screener will be a federal employee. Instead of worrying about whether the person screening your luggage is a federal employee or an employee of a federal contractor, we should be focusing on results and accountability.

Under this bill, screeners would have to undergo rigorous background and fingerprint checks performed by the federal government and would be trained by the federal government with strict requirements. Moreover, their performance would be monitored and assessed by federal employees. Those who do not meet the high standards set by the federal government would be dismissed. Further, the bill mandates a federal or state law enforcement presence at each screening location.

Moreover, the bill allows for the flexibility that will be needed to hire and fire employees, test new ideas, procedures, and technology. Wedding ourselves to a less flexible, rigid federal system will make it more difficult to assure safety. It is also important that we do not impose a one-size-fits-all system on all airports. DOT should be given the different options for different situations at different airports. This bill would provide such flexibility while at the same time requiring adherence to strict standards.

Unlike the Senate bill, this bill gives the President through one agency, DOT, primary responsibility. It seems to me that one of the weaknesses in our security that the September 11 terrorists were able to exploit was the lack of inter-agency communication. We are beginning to address that weakness. I believe it is better to have these functions in one agency not only to reduce costs, but to ensure proper co-ordination.

Mr. Chairman, this bill provides a comprehensive new approach to airline security. I urge Members to support it.

Mrs. MCCARTHY of New York. Mr. Chairman, I rise in opposition to H.R. 3150, the Aviation Security Act, a bill that does not fix America's aviation security problems. I do, however, support the Democratic substitute, which passed the Senate unanimously.

I stand fast to my belief that aviation security is a matter of national security. Congress needs to treat this as a question of national security and put in place an effective, federal law enforcement system. Public safety is

threatened by an unprecedented war declared on the American people by Osama bin Laden and his terrorist network. It is the federal government's job to protect our country. Security at the nation's airports is no longer a private sector matter. It is part of the front line of our national defense.

We would never consider contracting out the duties of our police departments, and it makes no sense to do so with airport screeners—the very people who are on the front lines of aviation security. Screeners are often paid less than fast-food workers, resulting in an average employee turnover rate of more than fast-food workers, resulting in an average employee turnover rate of more than 120% nationally and more than 400% at some airports. Instead, baggage screeners should be a professional, skilled trained law enforcement workforce.

Unfortunately, the Republican bill keeps things as they are with the same private contractors submitting the same low bids, the same private screeners, the same high turnover rate, the same low pay, and the same insecure aviation system. It fails to fundamentally reform the air safety system.

There's a clear way to make sure our families are safe and restore their faith in America's airline security. Making airline security workers professional will ensure our families are safer, boost confidence in air travel and help restore our economy.

Mrs. CHRISTENSEN. Mr. Chairman, as the representative of a district whose economy is almost completely dependent of the safety of air travel, I rise in strong support of the Senate version of the airline security bill.

Like all of my colleagues, I have received countless letters, calls and e-mails from pilots and flight attendants. I heard from my local airline staff, including my cousin, Colette who has Worked with American for over 15 years, and I have had discussions with my own Port Authority. Without dissent, all have asked for a strong bill now, one which federalizes the security at our nations airports, and one which gives the airports the resources needed to implement the measures that will have to be put into place.

I salute our pilots, the crew and attendants, for being willing to serve those of us who have to fly or are willing to despite the events of September 11th. They will be the first to tell you that they do so, knowing that despite the searches, and armed National Guards at the terminals, there is not much more security than on September 10th, 2001.

We now have an office of Homeland Security. As we bring this office into full operation, it is clear from the recent and historical use of airplanes as agents of political statement, escape or terror, that airline security must be a part of its purview.

We are long overdue in doing something definitive to make our skies safe again. This is no time for arguing the small points, this is time for prompt action. As we are now on a heightened watch for further acts of terrorism, I do not want the responsibility of not having saved innocent lives should the airlines once again be the instrument of destruction.

I remember what happened to another important bill that would have saved lives—the patient bill of rights—when it went to conference it died there. We cannot let this happen with this critical measure. Lets pass the same bill the Senate did and lets send it to the President for his signature.

Mr. RAHALL. Mr. Chairman, both Democrats and Republicans in this House agree that we must overhaul our aviation security system after the terrorist attacks against America on September 11, 2001. But sadly, this House is divided over one key aspect of this debate—whether or not we should make airport security screeners federal employees. I believe they must become federal employees, for many glaring reasons. It is the only way to solve the problem.

Security screeners stand at their posts at airports because they are paid to watch the x-ray machines as people and carry-on luggage pass the metal detectors. The screeners are paid to look for hidden bombs, guns, knives, or any potentially lethal weapon, before innocent passengers board the planes.

Yet, as James E. Casto, Associate Editor of the *Herald-Dispatch* of Huntington, West Virginia pointed out, the standards for security screeners across the nation are inconsistent.

Mr. Casto noted two of his personal experiences while traveling: in one case at an airport out West, he encountered a screener who was really on her toes. She spotted a letter opener he had in his toiletry kit, that he was using as a makeshift screwdriver to fix his eyeglasses. She sternly made him fill out a form to leave the letter opener behind as “abandoned property.”

But at another major airport in the Midwest, Mr. Casto noted the he encountered “a gaggle of screeners who were laughing and apparently having a great time. I doubt they would have noticed if I’d had an A-K 47 under my arm.”

The problem is that until now, security screeners have been hired privately by the airlines and the lowest bidder always gets the contract. Security has been secondary to the airlines. The airlines’ mission is not the security business. It is the passenger service business. As a result of this private system, there are no government standards to ensure consistency in training, supervision, wages and benefits, background checks, and continued security training once screeners are on the job.

That is why Mr. Casto, and millions of passengers, experience various levels of scrutiny from security screeners based at different airports, and hired by different airlines.

We know of cases where convicted felons were hired to be security screeners. Why? Because private security companies do not conduct thorough background checks of the people they employ. This is absolutely unacceptable.

The American people expect the federal government to act to protect them in times of national security. Perhaps before September 11th, domestic air travel was not considered to be a national security issue. But today, we must accept the harsh reality that international terrorists may attack us at any time. Our domestic flights have become a new tool for their terrorism.

Therefore, domestic aviation is a national security issue. National security means federal law enforcement. Federal law enforcement can only be conducted by federal employees, just as it is for Customs, immigration and agricultural inspections of crops coming in from other nations.

In order to regain the American people’s confidence in flying, the federal government must demonstrate to them that we have taken

all necessary steps to ensure their safety. The best starting point is to make the security screeners federal employees.

As the *Herald-Dispatch* noted in an editorial on October 31, 2001:

“Many House Republicans . . . favor continuing to contract security operations to private companies, under new federal standards.”

“But reports by both the General Accounting Office and the Department of Transportation have shown that the workers who now staff airport security checkpoints are generally paid little more than those who work at fast-food restaurants and have little or no training for their all-important jobs. Little wonder that turnover in security at many airports is said to be more than 100 percent a year.”

“House Republicans would simply continue this failed approach, merely grafting on an overlay of new federal regulations.”

Mr. Chairman, we must federalize our airport security workforce to ensure consistent, high standards for their training, supervision and job performance. The more professional they are, the safer American passengers will be in the skies.

Ms. ROYBAL-ALLARD. Mr. Chairman, the House of Representatives prides itself on being “the people’s House” and on doing “the people’s work.”

Since the attacks of September 11, the American people have made it abundantly clear that they want their federal government to take the lead in making our country safe. We have a bi-partisan bill that passed the Senate 100–0 that is critical to our reaching that goal.

Unfortunately, this bill has been held hostage for three weeks by a handful of members of the Republican leadership who, until today, have blocked a vote on this critical legislation.

The Democratic bi-partisan substitute will among other things put the federal government in charge of airport security including the federalization of security screeners.

This bill has the endorsement of my Los Angeles mayor, Jim Hahn, as well as the endorsement of the entire U.S. Conference of Mayors.

It’s time for Congress to listen to the American people and make our skies safe again by passing the Democratic Substitute.

Mr. WELLER. Mr. Chairman, I rise today in full support of efforts to increase the safety of the flying public and airline workers. America has been the world’s aviation leader from first flight in Kitty Hawk to the development of the Space Shuttle. Today, we have the opportunity to make historic advances in airline safety. I strongly support H.R. 3150 to increase security at airports in operation today and I strongly support the development of the proposed Chicago South Suburban Third Airport—an airport which has the opportunity to be the safest in the world.

We have all been stunned and saddened by the recent terrorist attacks. The goal of the terrorists was to make our nation fear, to force us to shrink from new challenges, and to scare our economy into a recession. I cannot emphasize enough how important both symbolically and practically building a new South Suburban Airport is to respond to these heinous acts. This airport can be built as the safest and most secure airport the world has ever seen.

Building a new airport will signify our strong commitment to continuing safe air travel, to

building a strong economy, and to boldly step forward to solve new challenges and again lead the world in our national aviation system. Airline demand is already returning to high levels, and it is our job to make sure that we are prepared for that challenge.

We must take every step possible not only to prevent further terrorist attacks, but to also ensure the peace-of-mind of the traveling public. It is three weeks away until Thanksgiving and the busy travel holiday season. We must act to thwart terrorist evil deeds and to make sure that our loved ones, family and friends can travel without fear. The immediate answer to this is H.R. 3150, and the long term answer is the development of new secure airports such as the proposed South Suburban Airport in Chicago.

H.R. 3150 federalizes airline security screening and requires federal supervision of the screening process, background checks, testing and strict oversight. Further, the legislation requires the deployment of Federal Air Marshals and the immediate strengthening of cockpit doors. These requirements will ensure that through screening of passengers and baggage will take place by people who are trained and qualified to take proper screenings. Federal Air Marshals will provide an additional deterrent to anyone attempting to hijack an airliner.

As the public continues to resume air travel, the capacity crisis that has plagued our air system will again be upon us. It is then our duty to build the safest new airports to handle the capacity crisis.

There is no question that Chicago’s aviation capacity is at its limits; this fact is not in dispute. There is no doubt that the capacity crisis is hurting regional and nationwide transportation networks, as well as the economy. Now is the time for bold and decisive action to finish the 15 years of research and work that have brought us to this point by completing all environmental impact statements and beginning construction on the third airport.

Land is available and can be obtained if the State of Illinois is allowed to continue land acquisition. Construction could begin soon after land acquisition, creating an inaugural airport site that would be operational in four to five years. This is the key to alleviating the coming capacity crisis as it is the fastest viable alternative proposed to date. It also happens to be the least expensive—an inaugural airport can be built for \$560 million.

Some have asked, “why this site, why Will County?” Will County continues to be a fast-growing, dynamic county that is underserved in air transportation capacity, 2.3 million people live within 45 minutes of the proposed site, but must travel much greater distances to O’Hare or Midway, creating increasing traffic congestion. Will County and the region will continue to experience significant population growth. The proposed total acreage of the Peotone site will encompass enough land for the airport to continue to grow with demand and still keep green, open space around it.

There is no doubt that Chicago will continue to move south; the question is do we plan for the growth that is coming by taking the necessary steps today to ensure land is available for this airport while we still can. In addition to the air travel benefits for Illinois and Indiana residents, the region will also experience tremendous economic growth and job creation

from the development of this airport. And, from a national perspective, the delays at O'Hare that have a domino effect across the nation, will be eliminated, keeping commerce and people moving efficiently and safely.

Mr. Chairman, I urge my colleagues to support H.R. 3150 and to support the development of the proposed South Suburban Chicago Airport to solve not only the capacity crisis, but also the safety crisis.

Mr. STARK. Mr. Chairman, it is unconscionable that more than seven weeks after this country lost more innocent lives than were lost in the American Revolution—and the means of attack was through sabotage of our aviation system—that we are only today debating this very urgent matter. The Senate unanimously passed a comprehensive aviation security bill three weeks ago. Meanwhile, the House of Representatives has been devising ways to provide tax relief to corporations and liability relief to the airlines—and ignoring airline safety altogether.

We continue to hear stories of passengers who board airplanes with everything from knives to loaded guns. Two weeks ago, seven baggage screeners at Dulles International Airport failed a pop quiz that tested their skills. Currently, airlines are responsible for the screening of airline passengers and baggage. Airlines pass this responsibility on to the lowest-bid screening contractors who pay their employees minimum wage and have widely varying employment standards. The result, as documented by the General Accounting Office and the Department of Transportation's Investigator General, is high turnover in the screener workforce and a failure of the screening process to work effectively—as witnessed by the attacks of September 11 and subsequent weapons allowed aboard aircraft across the U.S.

We have given the airlines and private contractors plenty of opportunity to remedy the egregious problems with the baggage screening process and they have failed to do so. Now, it is time for the federal government to step in and ensure safety of our airports and skyways. The Democratic substitute will do just that and that's why I support its passage today. It is not a perfect bill either. If I had the opportunity, there are changes I would make. But, passing the Democratic substitute today will get this overdue airline security bill to the President for his signature today. That is of the utmost importance.

Let's be clear. Baggage screeners are enforcement officers just like our Customs officers who are already federal employees. It simply makes sense to make them federal employees and ensure uniform employment standards are in place for all of them. That's what we've done with Customs Officers and no one is asking us to turn that duty over to private companies! This is an issue of national security and it requires a role for government to assure that our citizens are protected.

This concept should not be controversial when we are talking about risking U.S. lives. It is incumbent upon the U.S. government to provide protection for all of its citizens from harm at airports and on airplanes—if the best way to do that is to federalize passenger and baggage screeners, let's do it and do it now. This very same bill was passed by the U.S. Senate by 100–0. Last time I looked, there were a significant number of conservative Republican Senators. If they were able to recog-

nize this as an issue of national security, so should their colleagues in the House.

It is obvious that the quality of the screening process will improve with federal employees doing the job. Government can pay salaries commensurate with the law enforcement responsibilities of screening. This job involves not only the ability to read x-rays, but also the ability to size up individuals and situations which require more thorough inspection in certain circumstances. These are skills required of Customs and Immigration inspectors and for which they are more appropriately paid than current baggage screeners in our nation's airports.

The GOP bill allows the same inept agencies to train screeners. The only change is that all these poorly trained screeners would be wearing a uniform supplied by the U.S. Government. Slapping a U.S. badge and uniform on our baggage screeners isn't going to deter further terrorist attacks, nor will it improve the training and attrition of our baggage screeners. We need real reforms in the entire screening pay structure and process. The Democratic Substitute bill does that.

Finally, the GOP bill includes further unwarranted liability protections. The bill expands liability relief to other unnamed parties beyond the two airlines protected from liability under the Airline Stabilization Act enacted last month. Under the Managers Amendment, with no showing of justifiable cause—indeed, with no showing of any cause at all—every potential defendant to a September 11-related action, whether that defendant is presently known or unknown, would be completely immunized from punitive damages regardless of its conduct. That means that Congress might even be protecting a private security company that knowingly hired a convicted felon or an illegal alien, or that deliberately failed to check for weapons. This provision is as ludicrous as the discussion of whether or not to federalize the baggage screening workforce.

The evidence is clear. We must not waste another day in quarrelsome debate when security has been breached prior to, and subsequent to, the September 11 attacks at airports across the U.S.

I urge my colleagues to vote no on the Manager's amendment and vote yes on the Democratic substitute bill.

Mr. MOORE. Mr. Chairman, I rise today in opposition to H.R. 3150, the Security Transportation for America Act of 2001, and in support of the substitute bill that the Senate passed unanimously.

The American public's confidence in our national aviation system has eroded greatly since the tragic attacks of September 11. The public rightly demands quick federal action to enhance security at our nation's airports, and Congress must act now to ensure the safety of millions of travelers.

The federal government has a legitimate and necessary role to play in providing aviation security for the American public. In the wake of the September 11 attacks, many Americans have realized that aviation security needs to be viewed and treated as a matter of national security. Private security companies have repeatedly failed to provide adequate security at our nation's airports, and the American public should not be forced to tolerate the status quo any longer. Passenger and baggage screening should be treated as law enforcement functions, undertaken by trained

federal employees subject to annual review and the threat of immediate dismissal in the event of inadequate job performance.

The bipartisan substitute, which the Senate passed by a vote of 100–0 on October 11, would shift responsibility for aviation security from the airline companies to the federal government. Our nation's borders, shores and seaports are protected by federal agents of the U.S. Customs Service, Border Patrol, Drug Enforcement Agency and Coast Guard. Our nation's airports deserve the same assurance of protection.

As well, both aviation security bills under consideration today seek to expand, not privatize, the Federal Air Marshal program. These measures acknowledge the important role that federal agents play in ensuring and enhancing the safety and confidence of American air travelers. Air passengers deserve the same assurances of safety before they enter commercial aircraft that they enjoy after they take their seats.

Mr. Chairman, I believe that the federal government needs to take immediate, reasonable actions to enhance the safety of American air travelers. Aviation security needs to be treated as a law enforcement function, and as such should be provided by federal agents subject to congressional oversight and accountable to the American people.

Mr. LEVIN. Mr. Chairman, a basic function of government is to ensure the safety of the flying public. For many years now, there have been ominous signs that the security procedures developed by airports and airlines were broken.

Four years ago, in testimony presented to the House Aviation Subcommittee, the General Accounting Office stated, "The threat of terrorism against the United States has increased. Aviation is, and will remain, an attractive target for terrorists, so protecting civil aviation continues to be an urgent national issue. Since the 1988 bombing of Pan Am Flight 103, security reviews by FAA, audits conducted by GAO and the Department of Transportation's Inspector General, and the work of a presidential commission have shown that the system continues to be flawed. In fact, nearly every major aspect of the system—ranging from screening passengers, checked and carry-on baggage, mail, and cargo to controlling the access to secured areas within an airport environment—has weaknesses that could be exploited."

In March of 2000, the General Accounting Office again raised red flags about passenger screening checkpoints, the effectiveness of screeners and the need to improve their performance: The GAO noted that "turnover of screeners exceeds 100 percent a year at most large airports and at one airport has topped 400 percent, leaving few screeners with much experience at the checkpoints. We found that some of the screening companies at 14 of the nation's 19 largest airports paid screeners a starting salary of \$6.00 an hour or less and, at 5 of these airports, the starting salary was the minimum wage—\$5.15 an hour. It is common for the starting wages at airport fast-food restaurants to be higher than the wages screeners receive." The GAO further noted that the Federal Aviation Administration's efforts to establish performance standards that all screening companies have to meet in order to earn and retain certification is years behind schedule.

Even after the horrendous destruction caused on September 11 when four airlines were hijacked, the current aviation security system continues to fail us. On September 23, a man in Atlanta was able to successfully pass through a security checkpoint with a handgun in his pocket. On October 13, a man with a knife hidden in his shoe was able to pass through security at Dulles Airport without setting off the metal detector. On October 23, a man with a loaded gun in his briefcase was able to board a plane in New Orleans.

We have tried for 30 years to make the current airline security system work. The American people need to have confidence that they can fly safely, and this will only occur when we pass legislation overhauling the baggage- and passenger-screening systems. We can no longer afford to contract this critical responsibility out to the lowest bidder.

The Oberstar substitute correctly addresses the longstanding flaws in our country's aviation security system through the use of specially-trained federal employees to perform the screening of passengers and baggage at airports. The Oberstar substitute is identical to the bipartisan aviation safety bill approved by the Senate three weeks ago by a vote of 100 to 0.

Like the Capitol Hill police that protect Members of Congress and the Secret Service that protects the President, the airport screeners charged with protecting the flying public should be qualified professionals, and the Oberstar substitute ensures that they will be. Our substitute also increases the use of federal marshals on domestic and international flights, reinforces cockpit doors, strengthens the security of the flight deck, and enhances the security of secured areas of airports.

Mr. Chairman, there is an old saying that holds that the definition of insanity is doing the same thing over and over again and expecting different result. Given everything that has happened, the last thing we should do is to perpetuate an aviation security system that has failed as badly as our current system has. I urge all my colleagues to vote for the Oberstar substitute.

Mrs. LOWEY. Mr. Chairman, it's been 50 days since the terrorist attacks of September 11 and Americans are still unsafe on our nation's airlines. While I am pleased that the House is finally debating airline security, I rise in support of the bipartisan bill that passed the Senate 100-0.

My colleagues, aviation security is now a matter of national security. That became clear on September 11, when four commercial planes were used as weaponry in the terrorist attack on America.

The first obligation of our government is to protect our citizens and public safety is currently threatened by an unprecedented war. It is the federal government's job to protect our country during these times, and as President Bush has stated, we are fighting a two-front war—one here and one abroad. While we've committed troops and billions of dollars to the war overseas, it's sadly taken us seven weeks to even begin debate on how to make air travel safe.

My colleagues, now is not the time for partisan politics. And shame on those trying to make this a partisan issue. The Senate didn't. They unanimously passed—100 to 0—a bill to hold the federal government responsible for the safety of our nation's airlines. Quite frank-

ly, the Senate-passed bill should have been immediately placed on the House suspension calendar and fast tracked to the President.

Instead, we are considering a bill that maintains the status quo. It will keep the same screeners who are undertrained and underpaid. And a workforce with a more than 120 percent turnover rate. Do we want someone with less incentive than fast-food workers screening the people and bags that are on our planes—or do we want a well-trained, capable force of federal law enforcement ensuring our safety?

The Republican leadership cannot in good conscience ask Americans to resume life as normal, without first making sweeping changes to our airline security system. One of my constituents wrote that until the flying public is put first, "My family will not be flying . . . We will not be flying any airplane until Air Marshals are on every flight, every piece of luggage is x-rayed, and the workers that screen flyers are federalized."

Federalization is the key to professionalizing security. We would never consider contracting out the duties of the U.S. Customs Service, Border Patrol, or the local police department, and it makes no sense to do so with airport screeners—the front line in aviation security.

The bipartisan democratic substitute is clearly the right bill for airline security: 100 Senators voted for it; 82 percent of Americans want to federalize airline security; and flight attendants, pilots, and baggage handlers have made clear that their security is at risk at work everyday, and they support federalizing airline security.

Let's vote down the Republican airline security bill, and enact the bill everyone can stand behind—the democratic substitute.

Mr. HOYER. Mr. Chairman, when our Nation deploys its Army or Navy on a sensitive mission, we don't supplement their war-fighting capabilities with a privately run air force. So why would we insist that Federal law enforcement agents—who are on the front lines of homeland security—work alongside private airline screeners who are poorly paid, poorly trained and poorly performing? Do we really believe that a terrorist who can elude the greatest fighting force in the world cannot exploit this weakest link in our homeland security?

Every member of this body recognizes—in the wake of September 11—that airline security is an integral part of our national security. Thus, there's broad agreement: Airline cockpits must be more secure. More Federal marshals must be deployed on airplanes. Training and performance of airline security personnel must be improved. Yet, some Members of the majority believe that private companies should conduct security screening of passengers and baggage.

That's a recipe for future disaster. As Secretary Mineta remarked on Tuesday, "An unacceptable number of deficiencies continue to occur" at our Nation's airports.

Just since September 11, seven screeners failed a quiz on their skills at Dulles. Seven other screeners were arrested at Dallas-Fort Worth when they were found to be working illegally in the United States. And, Last week, a passenger flying from New Orleans to Phoenix discovered that he had a gun in his briefcase that had not been detected.

Low salaries contribute to an average turnover rate for private screeners of 126 percent.

And the General Accounting Office has documented their poor performance.

Two weeks ago, the Senate recognized that decisive action was required, and passed an airline security bill by a 100-0 vote that would create a well-paid, well-trained force of Federal airline screeners. Federalizing this security function will ensure that we are able to conduct thorough government background checks on screeners, and that our law enforcement efforts are integrated. The traveling public has every right to expect that our airport security personnel will be as professional as our Armed Forces deployed in Afghanistan and Central Asia.

This Democratic alternative, which federalizes all security-screening functions, is our best chance to restore public confidence in airline security. Let me note, though, that Federal screeners cannot be Federal employees in name only. This bill gives the Attorney General broad discretion over pay, health care, whistleblower protection, veterans' preference, workers' compensation, and the right to organize. He must not use it to create a second-class status for these employees.

I will support this legislation to make our air travel system much safer. This objective must be accomplished. But I intend to monitor the implementation of this legislation to ensure that Federal employee protections and benefits are not undermined in the process.

Mr. SENSENBRENNER. Mr. Chairman, in September, the House passed a bill that limited the potential liability of air carriers in any litigation arising out of the terrorist attacks of September 11. We did this because the capital markets could not and would not deal with air carriers as long as they remained under a cloud of potentially infinite liability. At that time, I voted against that legislation because it failed to similarly protect other industries. All businesses, not just air carriers, will be unable to obtain credit, capital, and loans if they are subject to potentially limitless liability awards. Without capital, these businesses will disappear, and the terrorists will have taken down not only the World Trade Center, but also untold numbers of businesses, large and small. And they will have done this with the help of a Congress that failed to act. Finally, today, in the manager's amendment, Congress is acting.

Far beyond companies like Boeing, this bill protects any business that creative trial lawyers could implicate in the tragic events of September 11. Some or many of these businesses may be in our own districts. Surely it is the terrorists, and not American companies, that started this war on America. So let's remove the cloud of infinite liability that hangs over these businesses and allow them to continue to survive even as they may face litigation. The terrorists put that cloud there. It's up to us to cast away that cloud, and to protect the capital streams upon which New York and the nation thrive and prosper.

This bill does nothing to prevent victims from being compensated by liable defendants. It does nothing to prevent them from taking part in the victims' compensation program we created last month. This legislation does, however, place finite limits on the potential liability of anyone implicated in litigation arising out of the terrorist attacks of September 11. In doing so, this legislation saves those persons and companies from losses of capital that could lead to bankruptcy. This in turn prevents the

victims of September 11th from having their compensation decided by a federal bankruptcy court.

This bill also protects the city of New York, its police department, and its fire department—all of which have conducted themselves so valiantly. This measure is supported by elected leaders in New York, as well as New York congressional members from both sides of the aisle (Mr. NADLER excluded).

Mayor Guiliani, in a letter supporting the bill, noted that "The measure that Chairman YOUNG will bring to the floor will contain a manager's amendment that would provide New York with much needed relief from potential liability arising out of the attacks on the World Trade Center on September 11, 2001. Any substitute would fail to provide the City the fiscal protection it needs from potentially limitless lawsuits. . . . Passage of Chairman YOUNG's bill would solve one large part of the City's potential liability exposure, and help ensure steady progress toward utilizing our resources to address critical fiscal matters."

Governor Pataki has written "I can only underscore the importance of passage for not only the manager's amendment and the bill, but also the defeat of any substitute amendment scheduled to be offered. . . . H.R. 3150 with the manager's amendment will free the city of New York and the Port Authority of under burdens which could seriously slow or even derail those rebuilding efforts."

New York is our nation's center of commerce, and it thrives on the flow of capital. By passing the Manager's Amendment today, we can prevent the prospect of unlimited liability damage awards from turning New York from the nation's financial capital into a business graveyard. Last month, Congress appropriately placed limits on the potential liability of the airlines in order to keep planes in the air. That's current law. Given that there is a finite amount of funds available for victims from any airline found liable, the question becomes: Does the House want more money to go to trial lawyers, or to victims? It's that simple. The more money lawyers get from a limited source of funds, the less victims get. Let's stand solidly behind the victims today and pass the Manager's Amendment.

Mr. PAUL. Mr. Chairman, I must oppose H.R. 3150, the Airport Security Federalization Act. As the short title of the bill suggests, this legislation is a bureaucracy-laden approach. While the approach of this legislation is marginally preferable to the complete federalization of the workforce being offered by the House Minority, the bill is otherwise strikingly similar to the Senate's approach. Regrettably, I think portions of the manager's amendment actually make the legislation worse. For example, the deputization of private security forces is clearly a step in the wrong direction.

I have offered an alternate bill which would accomplish security goals without expanding the federal government. My bill would not create new federal spending nor new federal bureaucracies.

Mr. Chairman, the bill before us, while a slight improvement over the Senate version, is still a step in the wrong direction. By authorizing a new airline ticket tax, by creating new federal mandates and bureaucracies, and by subsidizing the airline industry to the tune of another \$3 billion, this bill creates a costly expense that the American people cannot afford. We appropriated \$40 billion in the wake of

September 11, and I supported that measure as legitimate compensation for individuals and companies harmed by the failure of the federal government to provide national defense. Soon thereafter we made another \$15 billion available to the airlines, and now we have a House bill that further victimizes the taxpayers by making them pay for another \$3 billion worth of subsidies to the airline industry.

We need to stop this spending spree. I oppose this new taxation and spending, as well as the steps taken in this bill, the substitute, and unfortunately in the manager's amendment as well. Each of these items moves further down the road of nationalizing air travel in this country and, as such, must be rejected.

Mr. CONYERS. Mr. Chairman, I rise in strong opposition to the manager's amendment and in support of the Democratic Substitute.

Airport security is a legitimate federal responsibility. Just as we protect our borders, guard against smuggling, and protect against illegal drugs, we must also protect our citizens against terrorists who board our planes and travel our skies with guns, knives, and bombs.

However, the Manager's amendment does not accomplish this. Instead, this amendment expands the provision that we already passed, limiting liability for airlines that were used by terrorists on September 11, 2001 and applies that provision to "any person liable for any damages arising out of the hijacking." This would limit the liability of everyone, including an airport security company that allowed terrorists to get on a plane with box cutters.

Even worse, the liability provisions go far beyond the protections included in the airline bailout bill we passed in September. This is because the amendment totally bans punitive damages, eliminates prejudgment interest, mandates collateral source, and limits victims' attorneys' fees. All of this was done without the benefit of a single hearing or any consideration by the Judiciary Committee. And all of this harms the victims.

Members should know that these provisions are far more extreme than the liability relief requested by the supposed beneficiaries of the provisions—the owners of the World Trade Center and the airplane manufacturers. This amendment is too broad, benefits the wrongdoers, and would have a number of harmful and unintended consequences for victims of terrorism. Please vote no on the manager's amendment and support the Democratic Substitute. Passing this manager's amendment constitutes special interest legislating at its worst. It is wrong and I urge the Members to reject it.

#### SECURE TRANSPORTATION FOR AMERICA ACT

Mr. FRELINGHUYSEN. Mr. Chairman, today I rise in support of H.R. 3150, the Secure Transportation for America Act introduced by Representative DON YOUNG (R-AK). This legislation is an important part of our ongoing efforts in Congress to ensure the safety and well-being of all Americans who travel by air as it makes substantial, long overdue improvements to our nation's aviation security system.

H.R. 3150 ensures maximum safety for passengers and airline crews through a series of comprehensive security measures. First and foremost, this bill puts the Federal Government in complete charge of adopting and im-

plementing strict passenger and baggage screening standards. This responsibility will be given to a new Transportation Security Administration within the Department of Transportation and will be headed by a new Under Secretary. While H.R. 3150 does not strictly call for airport screeners and baggage checkers to be federal employees, it gives the Administration the flexibility to choose either a Federal or private workforce. This discretion ensures that we have a security system that is both professional and efficient.

I am also pleased that at the request of Representative MIKE FERGUSON (R-NJ) and myself, we had included in this legislation two important security provisions. One calls for complete background checks for all airport screeners and employees who have access to restricted areas of our airports. The second establishes a system to screen all passenger baggage. I am thankful to Chairman YOUNG and the House Transportation and Infrastructure Committee for including these two important measures in this bill. In addition, this legislation strengthens cockpit doors and deploys Federal Air Marshals on domestic flights.

Mr. Chairman, as you well know the tragic events of September 11th have forced us to rethink all security in our country like no other time in history. I am pleased that Congress has already acted by giving President Bush \$3 billion to address immediate aviation security needs. By passing H.R. 3150, we put the Federal Government in charge of aviation security, thus ensuring that safety both at our airports and in our skies remains paramount. Make no mistake, on this issue there can be no compromise on safety.

Mr. DELAHUNT. Mr. Chairman, from those first tragic moments on September 11, two things were immediately clear.

First, fundamental, systemic changes have to be made in airline security.

And second, Americans responded with enormous heroism. Every Member of this House has noted that this remarkable courage saved lives and reaffirmed our national spirit.

Within hours, we saw Iron Workers clearing tons of rubble at Ground Zero with cranes, bulldozers and by hand. Round-the-clock emergency care from medical professionals. Teamsters trucking in rescue supplies from across the country.

All members of labor unions. Many continue to work up to this very moment to honor the memory of the hundreds of union firefighters, union police officers, union paramedics, and union maintenance workers who died trying to help others. To honor the memory of the 1000 sisters and brothers—representing 24 unions—who perished that day.

From the pilots and flight attendants who lost their lives on September 11, to the postal workers who were the first to fall victim to bioterrorism on our shores. These are genuine American heroes.

They work hard and proud. Each day. For us.

Which is why it is so unthinkable that unions are now under attack in this debate.

We all agree about the urgent need to upgrade airport security. There is consensus about how to do it, and how to pay for it. Nearly 30 years ago, the airlines themselves testified before Congress that the only way to seriously combat hijacking threat was with federalized airport security.

Apparently, the only real dispute today is over the possibility that taking these steps to protect public safety might also require hiring unionized federal labor.

To those whose vision about public safety is blurred by hostility to unions, all I can say is: get over it.

The men and women of organized labor have swept our floors and served our meals. Mined our coal and built our jet fighters. Staffed our emergency rooms and taught our children.

They have made us great and they have made us good. Organized labor gave us the weekend. The middle class. The American dream. The vitality that makes us special among the family of nations.

If we're at war, let's fight it with our best troops. If we want safe skies, the worst thing we can do is scapegoat those who have risked life and limb to keep our homeland secure.

I urge my colleagues to support the bipartisan alternative.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 3150 is as follows:

H.R. 3150

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; AMENDMENTS TO TITLE 49, UNITED STATES CODE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the "Secure Transportation for America Act of 2001".

(b) **AMENDMENTS TO TITLE 49, UNITED STATES CODE.**—Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

(c) **TABLE OF CONTENTS.**—

- Sec. 1. Short title; amendments to title 49, United States Code; table of contents.
- Sec. 2. Transportation Security Administration.
- Sec. 3. Screening of passengers and property.
- Sec. 4. Security programs.
- Sec. 5. Employment standards and training.
- Sec. 6. Deployment of Federal air marshals.
- Sec. 7. Enhanced security measures.
- Sec. 8. Criminal history record check for screeners and others.
- Sec. 9. Passenger and baggage screening fee.
- Sec. 10. Authorizations of appropriations.
- Sec. 11. Limitation on liability for acts to thwart criminal violence or aircraft piracy.
- Sec. 12. Passenger manifests.
- Sec. 13. Transportation security oversight board.
- Sec. 14. Airport improvement programs.
- Sec. 15. Technical correction.
- Sec. 16. Alcohol and controlled substance testing.
- Sec. 17. Conforming amendments to subtitle VII.
- Sec. 18. Savings provision.
- Sec. 19. Budget submissions.
- Sec. 20. Aircraft operations in enhanced class B airspace.
- Sec. 21. Waivers for certain isolated communities.
- Sec. 22. Assessments of threats to airports.

**SEC. 2. TRANSPORTATION SECURITY ADMINISTRATION.**

(a) **IN GENERAL.**—Chapter 1 is amended by adding at the end the following:

**"§ 114. Transportation Security Administration"**

"(a) **IN GENERAL.**—The Transportation Security Administration shall be an administration of the Department of Transportation.

"(b) **UNDER SECRETARY.**—

"(1) **APPOINTMENT.**—The head of the Administration shall be the Under Secretary of Transportation for Security. The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) **QUALIFICATIONS.**—The Under Secretary must—

"(A) be a citizen of the United States; and

"(B) have experience in a field directly related to transportation or security.

"(3) **TERM.**—The term of office of an individual appointed as the Under Secretary shall be 5 years.

"(c) **LIMITATION ON PECUNIARY INTERESTS.**—The Under Secretary may not have a pecuniary interest in, or own stock in or bonds of, a transportation or security enterprise, or an enterprise that makes equipment that could be used for security purposes.

"(d) **FUNCTIONS.**—

"(1) **IN GENERAL.**—The Under Secretary shall be responsible for security in all modes of transportation, including—

"(A) carrying out chapter 449 relating to civil aviation security; and

"(B) security responsibilities over nonaviation modes of transportation that are exercised by Administrations of the Department of Transportation (other than the Federal Aviation Administration).

"(2) **SCHEDULE FOR ASSUMPTION OF CIVIL AVIATION SECURITY FUNCTIONS.**—Not later than 3 months after the date of enactment of this section, the Under Secretary shall assume civil aviation security functions and responsibilities under chapter 449 in accordance with a schedule to be developed by the Secretary of Transportation, in consultation with air carriers, foreign air carriers, and the Administrator of the Federal Aviation Administration. The Under Secretary shall publish an appropriate notice of the transfer of such security functions and responsibilities before assuming the functions and responsibilities.

"(3) **ASSIGNMENT OF CONTRACTS.**—Upon request of the Under Secretary, an air carrier or foreign air carrier carrying out a screening or security function under chapter 449 may enter into an agreement with the Under Secretary to transfer any contract the carrier has entered into with respect to carrying out such function, before the Under Secretary assumes responsibility of such function.

"(e) **ADDITIONAL DUTIES AND POWERS.**—In addition to carrying out the functions specified in subsection (d), the Under Secretary shall—

"(1) receive, assess, and distribute intelligence information related to transportation security;

"(2) assess threats to transportation;

"(3) develop policies, strategies, and plans for dealing with threats to transportation security;

"(4) make other plans related to transportation security, including coordinating countermeasures with appropriate departments, agencies, and instrumentalities of the United States Government;

"(5) serve as the primary liaison for transportation security to the intelligence and law enforcement communities;

"(6) supervise all airport security and screening services using Federal uniformed personnel;

"(7) on a day-to-day basis, manage and provide operational guidance to the field security resources of the Administration, including Federal Security Managers as provided by section 44933;

"(8) enforce security-related regulations and requirements;

"(9) identify and undertake research and development activities necessary to enhance transportation security;

"(10) inspect, maintain, and test security facilities, equipment, and systems;

"(11) ensure the adequacy of security measures for the transportation of cargo;

"(12) oversee the implementation, and ensure the adequacy, of security measures at airports and other transportation facilities;

"(13) perform background checks for airport security screening personnel, individuals with unescorted access to secure areas of airports, and other transportation security personnel;

"(14) develop standards for the hiring and retention of security screening personnel;

"(15) train and test security screening personnel; and

"(16) carry out such other duties, and exercise such other powers, relating to transportation security as the Under Secretary considers appropriate, to the extent authorized by law.

"(f) **ACQUISITIONS.**—

"(1) **IN GENERAL.**—The Under Secretary is authorized—

"(A) to acquire (by purchase, lease, condemnation, or otherwise) such real property, or any interest therein, within and outside the continental United States, as the Under Secretary considers necessary;

"(B) to acquire (by purchase, lease, condemnation, or otherwise) and to construct, repair, operate, and maintain such personal property (including office space and patents), or any interest therein, within and outside the continental United States, as the Under Secretary considers necessary;

"(C) to lease to others such real and personal property and to provide by contract or otherwise for necessary facilities for the welfare of its employees and to acquire maintain and operate equipment for these facilities;

"(D) to acquire (by purchase, lease, condemnation, or otherwise) and to construct, repair, operate, and maintain research and testing sites and facilities; and

"(E) in cooperation with the Administrator of the Federal Aviation Administration, to utilize the research and development facilities of the Federal Aviation Administration located in Atlantic City, New Jersey.

"(2) **TITLE.**—Title to any property or interest therein acquired pursuant to this subsection shall be held by the Government of the United States.

"(g) **TRANSFERS OF FUNDS.**—The Under Secretary is authorized to accept transfers of unobligated balances and unexpended balances of funds appropriated to other Federal agencies (as such term is defined in section 551(1) of title 5) to carry out functions transferred, on or after the date of enactment of this section, by law to the Under Secretary.

"(h) **REGULATIONS.**—

"(1) **IN GENERAL.**—The Under Secretary is authorized to issue, rescind, and revise such regulations as are necessary to carry out the functions of the Administration.

"(2) **EMERGENCY PROCEDURES.**—

"(A) **IN GENERAL.**—Notwithstanding any other provision of law or executive order (including an executive order requiring a cost-benefit analysis) if the Under Secretary determines that a regulation or security directive must be issued immediately in order to protect transportation security, the Under Secretary shall issue the regulation or security directive without providing notice or an



opportunity for comment and without prior approval of the Secretary.

“(B) REVIEW BY TRANSPORTATION SECURITY OVERSIGHT BOARD.—Any regulation or security directive issued under this paragraph shall be subject to disapproval by the Transportation Security Oversight Board established under section 44951. Any regulation or security directive issued under this paragraph shall remain effective until disapproved by the Board or rescinded by the Under Secretary.

“(i) PERSONNEL AND SERVICES; COOPERATION BY UNDER SECRETARY.—

“(1) AUTHORITY OF UNDER SECRETARY.—In carrying out the functions of the Administration, the Under Secretary shall have the same authority as is provided to the Administrator of the Federal Aviation Administration under subsections (1) and (m) of section 106.

“(2) AUTHORITY OF AGENCY HEADS.—The head of a Federal agency shall have the same authority to provide services, supplies, equipment, personnel, and facilities to the Under Secretary as the head has to provide services, supplies, equipment, personnel, and facilities to the Administrator of the Federal Aviation Administration under section 106(m).

“(j) PERSONNEL MANAGEMENT SYSTEM.—The personnel management system established by the Administrator of the Federal Aviation Administration under section 40122 shall apply to employees of the Transportation Security Administration, except that subject to the requirements of such section, the Under Secretary may make such modifications to the personnel management system with respect to such employees as the Under Secretary considers appropriate.

“(k) ACQUISITION MANAGEMENT SYSTEM.—The acquisition management system established by the Administrator of the Federal Aviation Administration under section 40110 shall apply to acquisitions of equipment and materials by the Transportation Security Administration, except that subject to the requirements of such section, the Under Secretary may make such modifications to the acquisition management system with respect to such acquisitions of equipment and materials as the Under Secretary considers appropriate.

“(l) AUTHORITY OF INSPECTOR GENERAL.—The Transportation Security Administration shall be subject to the Inspector General Act of 1978 (5 U.S.C. App.) and other laws relating to the authority of the Inspector General of the Department of Transportation.”

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 is amended by adding at the end the following:

“114. Transportation Security Administration.”

(c) POSITION OF UNDER SECRETARY IN EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

“The Under Secretary of Transportation for Security”.

(d) PERSONNEL OF OTHER AGENCIES.—The last sentence of section 106(m) is amended by inserting “personnel and” before “supplies and equipment”.

(e) SECURITY AND RESEARCH AND DEVELOPMENT ACTIVITIES.—Section 40119 is amended—

(1) in subsection (a) by striking “Administrator of the Federal Aviation Administration” and inserting “Under Secretary of Transportation for Security”; and

(2) in subsections (b) and (c) by striking “Administrator” each place it appears and inserting “Under Secretary”.

(f) REFERENCES TO FAA IN CHAPTER 449.—Chapter 449 is amended—

(1) in section 44904(b)(5) by striking “the Administration” and inserting “the Transportation Security Administration”;

(2) in the second sentence of section 44913(a)(1) by striking “of the Administration” and inserting “of the Transportation Security Administration”;

(3) in section 44916(a)—

(A) in the first sentence by striking “Administrator” and inserting “Under Secretary of Transportation for Security”; and

(B) in the second sentence by striking “Administration” and inserting “Transportation Security Administration”;

(4) in each of sections 44933(a) and 44934(b) by striking “Assistant Administrator for Civil Aviation Security” and inserting “Under Secretary”;

(5) in section 44934(b)(1) by striking “Assistant Administrator” and inserting “Under Secretary”;

(6) by striking sections 44931 and 44932 and the items relating to such sections in the analysis for such chapter;

(7) by striking “Administrator” each place it appears in such chapter (except in subsections (f) and (h) of section 44936) and inserting “Under Secretary”;

(8) by striking “Administrator’s” each place it appears in such chapter and inserting “Under Secretary’s”; and

(9) by striking “of the Federal Aviation Administration” each place it appears in such chapter (except in section 44936(f) and inserting “of Transportation for Security”.

### SEC. 3. SCREENING OF PASSENGERS AND PROPERTY.

Section 44901 of such title is amended—

(1) in subsection (a) by striking “a weapon-detecting” and all that follows through the period at the end of the second sentence and inserting “persons and procedures acceptable to the Under Secretary (or the Administrator before responsibilities under this subsection are assumed by the Under Secretary).”; and

(2) by adding at the end the following:

“(d) ASSUMPTION OF SCREENING FUNCTION BY UNDER SECRETARY.—The responsibility for the screening of passengers and property on passenger aircraft in air transportation that originates in the United States or intrastate air transportation that, on the date of enactment of this subsection, was performed by an employee or agent of an air carrier, intrastate air carrier, or foreign air carrier shall be assumed by the Under Secretary.

“(e) SUPERVISION OF SCREENING.—All screening of passengers and property at airports under this section shall be supervised by uniformed Federal personnel of the Transportation Security Administration who shall have the power to order the dismissal of any individual performing such screening.

“(f) LIMITATION ON RIGHT TO STRIKE.—An individual that screens passengers or property, or both, at an airport under this section may not participate in a strike, or assert the right to strike, against the person (including a governmental entity) employing such individual to perform such screening.”.

### SEC. 4. SECURITY PROGRAMS.

Section 44903(c) is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking “a law enforcement presence” and inserting “a law enforcement or military presence”; and

(B) by inserting after “at each of those airports” the following: “and at each location at those airports where passengers are screened”; and

(2) in paragraph (2)(C)(i) by striking “shall issue an amendment to air carrier security programs to require” and inserting “shall require”.

### SEC. 5. EMPLOYMENT STANDARDS AND TRAINING.

(a) EMPLOYMENT STANDARDS.—Section 44935(a) is amended—

(1) in the first sentence by inserting “, personnel who screen passengers and property,” after “air carrier personnel”;

(2) by striking “and” at the end of paragraph (4);

(3) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(4) by adding at the end the following:

“(6) a requirement that all personnel who screen passengers and property be citizens of the United States;

“(7) minimum compensation levels, when appropriate; and

“(8) a preference for the hiring of any individual who is a member or former member of the armed forces and who is entitled, under statute, to retired, retirement, or retiree pay on account of service as a member of the armed forces.”.

(b) FINAL RULES ESTABLISHING TRAINING STANDARDS FOR SCREENERS.—Section 44935(e)(1) is amended by striking “May 31, 2001” and inserting “6 months after the date of enactment of the Secure Transportation for America Act of 2001”.

(c) EMPLOYMENT STANDARDS FOR SCREENERS; UNIFORMS.—Section 44935 is amended by adding at the end the following:

“(g) TRAINING FOR ALL SCREENERS, SUPERVISORS, AND INSTRUCTORS.—

“(1) IN GENERAL.—The Under Secretary shall require any individual who screens passengers and property pursuant section 44901, and the supervisors and instructors of such individuals, to have satisfactorily completed all initial, recurrent, and appropriate specialized training necessary to ensure compliance with the requirements of this section.

“(2) ON-THE-JOB PORTION OF SCREENER’S TRAINING.—Notwithstanding paragraph (1), the Under Secretary may permit an individual, during the on-the-job portion of training, to perform security functions if the individual is closely supervised and does not make independent judgments as to whether persons or property may enter secure areas or aircraft or whether cargo may be loaded aboard aircraft without further inspection.

“(3) EFFECT OF SCREENER’S FAILURE OF OPERATION TEST.—The Under Secretary may not allow an individual to perform a screening function after the individual has failed an operational test related to that function until the individual has successfully completed remedial training.

“(h) UNIFORMS.—The Under Secretary shall require any individual who screens passengers and property pursuant section 44901 to be attired in a uniform, approved by the Under Secretary, while on duty.”.

(d) INTERIM EMPLOYMENT STANDARDS FOR SCREENING PERSONNEL.—In the period beginning 30 days after the date of enactment of this Act and ending on the first date that a final rule issued by the Under Secretary of Transportation for Security under section 44935(e)(1) of title 49, United States Code, takes effect, the following requirements shall apply to an individual who screens passengers and property pursuant to section 44901 of such title (in this subsection referred to as a “screener”):

(1) EDUCATION.—A screener shall have a high school diploma, a general equivalency diploma, or a combination of education and experience that the Under Secretary has determined to have equipped the individual to perform the duties of the screening position.

(2) BASIC ABILITIES AND PHYSICAL ABILITIES.—A screener shall have basic aptitudes and physical abilities (including color perception, visual and aural acuity, physical coordination, and motor skills) and shall have—

(A) the ability to identify the components that may constitute an explosive or an incendiary device;

(B) the ability to identify objects that appear to match those items described in all current regulations, security directives, and emergency amendments;

(C) for screeners operating X-ray and explosives detection system equipment, the ability to distinguish on the equipment monitors the appropriate images;

(D) for screeners operating any screening equipment, the ability to distinguish each color displayed on every type of screening equipment and explain what each color signifies;

(E) the ability to hear and respond to the spoken voice and to audible alarms generated by screening equipment in an active checkpoint or other screening environment;

(F) for screeners performing manual searches or other related operations, the ability to efficiently and thoroughly manipulate and handle such baggage, containers, cargo, and other objects subject to security processing;

(G) for screeners performing manual searches of cargo, the ability to use tools that allow for opening and closing boxes, crates, or other common cargo packaging;

(H) for screeners performing screening of cargo, the ability to stop the transfer of suspect cargo to passenger air carriers; and

(I) for screeners performing pat-down or hand-held metal detector searches of persons, sufficient dexterity and capability to thoroughly conduct those procedures over a person's entire body.

(3) **COMMAND OF ENGLISH LANGUAGE.**—A screener shall be able to read, speak, write, and understand the English language well enough to—

(A) carry out written and oral instructions regarding the proper performance of screening duties;

(B) read English language identification media, credentials, airline tickets, documents, air waybills, invoices, and labels on items normally encountered in the screening process;

(C) provide direction to and understand and answer questions from English-speaking persons undergoing screening or submitting cargo for screening; and

(D) write incident reports and statements and log entries into security records in the English language.

#### **SEC. 6. DEPLOYMENT OF FEDERAL AIR MARSHALS.**

(a) **IN GENERAL.**—Subchapter I of chapter 449 is amended by adding at the end the following:

##### **“§ 44917. Deployment of Federal air marshals**

“(a) **IN GENERAL.**—The Under Secretary of Transportation for Security under the authority provided by section 44903(d) shall—

“(1) provide for deployment of Federal air marshals on selected passenger flights of air carriers in air transportation or intrastate air transportation;

“(2) provide for appropriate background and fitness checks for candidates for appointment as Federal air marshals;

“(3) provide for appropriate training, supervision, and equipment of Federal air marshals at the facility of the Federal Aviation Administration in New Jersey; and

“(4) require air carriers providing flights described in paragraph (1) to provide seating for a Federal air marshal on any such flight without regard to the availability of seats on the flight and at no cost to the United States Government or the marshal.

“(b) **FLIGHTS IN FOREIGN AIR TRANSPORTATION.**—The Under Secretary shall work with appropriate aeronautic authorities of foreign governments under section 44907 to

address security concerns on passenger flights in foreign air transportation.

“(c) **INTERIM MEASURES.**—Until the Under Secretary completes implementation of subsection (a), the Under Secretary may use, after consultation with the heads of other Federal agencies and departments, personnel from those agencies and departments, on a nonreimbursable basis, to provide air marshal service.”.

(b) **CONFORMING AMENDMENT.**—The analysis for chapter 449 is amended by adding after the item relating to section 44916 the following:

“44917. Deployment of Federal air marshals.”.

#### **SEC. 7. ENHANCED SECURITY MEASURES.**

(a) **IN GENERAL.**—Subchapter I of chapter 449 is further amended by adding at the end the following:

##### **“§ 44918. Enhanced security measures**

“(a) **IN GENERAL.**—To the extent the Under Secretary of Transportation for Security determines appropriate, the Under Secretary shall take the following actions:

“(1) After consultation with the Administrator of the Federal Aviation Administration, develop procedures and authorize equipment for pilots and other members of the flight crew to use to defend an aircraft against acts of criminal violence or aircraft piracy.

“(2) After consultation with the Administrator, develop and implement methods to—

“(A) restrict the opening of a cockpit door during a flight;

“(B) fortify cockpit doors to deny access from the cabin to the cockpit;

“(C) use video monitors or other devices to alert pilots in the cockpit to activity in the cabin; and

“(D) ensure continuous operation of an aircraft transponder in the event of an emergency.

“(3) Impose standards for the screening or inspection of persons and vehicles having access to secure areas of an airport.

“(4) Require effective 911 emergency call capability for telephones serving passenger aircraft and passenger trains.

“(5) Provide for the use of voice stress analysis or other technologies to prevent a person who might pose a danger to air safety or security from boarding the aircraft of an air carrier or foreign air carrier in air transportation or intrastate air transportation.

“(6) Develop standards and procedures for the issuance, renewal, and revocation of a certificate of qualification for individuals who screen passengers and property at an airport.

“(7) Provide for the use of threat image projection or similar devices to test individuals described in paragraph (6) and establish procedures to revoke the certification of such individuals if the individuals fail to maintain a required level of proficiency.

“(8) In consultation with air carriers and other government agencies, establish policies and procedures requiring air carriers to use information from government agencies to identify individuals on passenger lists who may be a threat to civil aviation and, if such an individual is identified, to notify appropriate law enforcement agencies and prohibit the individual from boarding an aircraft.

“(9) Provide for the enhanced use of computer profiling to more effectively screen passengers and property that will be carried in the cabin of an aircraft.

“(10) Provide for the use of electronic technology that positively verifies the identity of each employee and law enforcement officer who enters a secure area of an airport.

“(11) After consultation with the Administrator, provide for the installation of switches in an aircraft cabin to enable flight crews

to discreetly notify the pilots in the case of a security breach occurring in the cabin.

“(12) Update training procedures used by the Federal Aviation Administration, law enforcement agencies, air carriers, and flight crews during hijackings to include measures relating to suicidal hijackers and other extremely dangerous events not currently described in the training procedures.

“(13) Provide for background checks of individuals seeking instruction (including training through the use of flight simulators) in flying aircraft that has a minimum certificated takeoff weight of more than 12,500 pounds.

“(14) Enter into agreements with Federal, State, and local agencies under which appropriately-trained law enforcement personnel from such agencies, when traveling on a flight of an air carrier, will carry a firearm and be prepared to assist Federal air marshals.

“(15) Require more thorough background checks of persons described in subparagraphs (A), (B)(i), and (B)(ii) of section 44936(a) and paragraph (13) of this subsection, including a review of immigration records, law enforcement databases, and records of other government and international agencies to help determine whether the person may be a threat to civil aviation.

“(b) **AIRWORTHINESS OBJECTIONS BY FAA.**—

“(1) **IN GENERAL.**—The Under Secretary shall not take an action under subsection (a) if the Administrator notifies the Under Secretary that the action could adversely affect the airworthiness of an aircraft.

“(2) **REVIEW BY SECRETARY.**—Notwithstanding paragraph (1), the Under Secretary may take an action under subsection (a), after receiving a notification concerning the action from the Administrator under paragraph (1), if the Secretary of Transportation subsequently approves the action.

“(c) **VIEW OF NTSB.**—In taking any action under subsection (a) that could affect safety, the Under Secretary shall solicit and give great weight to the views of the National Transportation Safety Board.

“(d) **PROPERTY SECURITY PROGRAM.**—

“(1) **ESTABLISHMENT.**—The Under Secretary shall develop and implement a program to ensure the security of all property carried on passenger aircraft by either mandating that such property is screened, by ensuring that no checked baggage is carried on the aircraft unless the passenger who checks the baggage is aboard the aircraft, or by such other methods that the Under Secretary considers to be effective.

“(2) **USE OF SCREENING EQUIPMENT.**—The Under Secretary shall ensure that equipment installed at airports to screen checked baggage is used to the maximum extent possible.

“(e) **LIMITATION ON CERTAIN ACTIONS.**—The Secretary of Transportation shall not take any action to prevent a pilot of an air carrier from taking a firearm into the cockpit of the aircraft if the policy of the air carrier permits its pilots to be armed and the pilot has successfully completed a training program for the carriage of firearms aboard aircraft that is acceptable to the Under Secretary.

“(f) **REPORT.**—Not later than 6 months after the date of enactment of this section, and annually thereafter until the Under Secretary determines whether or not to take each of the actions specified in subsection (a), the Under Secretary shall transmit to Congress a report on the progress of the Under Secretary in evaluating and taking such actions, including any legislative recommendations that the Under Secretary may have for enhancing transportation security, and on the progress the Under Secretary is making in carrying out subsection (d).”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by inserting after the item relating to section 44917 the following:

“44918. Enhanced security measures.”.

(c) REPEAL OF EXISTING REPORTING REQUIREMENT.—

(1) IN GENERAL.—Section 44938 is amended—  
(A) in the section heading by striking “Report” and inserting “Report”; and

(B) by striking “(a) TRANSPORTATION SECURITY.” and all that follows through “(b) SCREENING AND FOREIGN AIR CARRIER AND AIRPORT SECURITY.—The Administrator” and inserting “The Under Secretary of Transportation for Security”.

(2) CHAPTER ANALYSIS.—The analysis for chapter 449 is amended by striking the item relating to section 44938 and inserting the following:

“44938. Report.”.

#### SEC. 8. CRIMINAL HISTORY RECORD CHECK FOR SCREENERS AND OTHERS.

Section 44936(a) is amended—

(1) in paragraph (1)(E)(iv)(II) by striking the period at the end and inserting “; except that at such an airport, the airport operator, air carriers, and certified screening companies may elect to implement the requirements of this subparagraph in advance of the effective date if the Under Secretary (or the Administrator of the Federal Aviation Administration before the transfer of civil aviation security responsibilities to the Under Secretary) approves of such early implementation and if the airport operator, air carriers, and certified screening companies amend their security programs to conform those programs to the requirements of this subparagraph.”; and

(2) in paragraph (2)—

(A) by striking “or airport operator” and inserting “airport operator, or certificated screening company”; and

(B) by adding at the end the following: “In this paragraph, the term ‘certificated screening company’ means a screening company to which the Under Secretary has issued a screening company certificate authorizing the screening company to provide security screening.”.

#### SEC. 9. PASSENGER AND BAGGAGE SCREENING FEE.

(a) IN GENERAL.—Subchapter II of chapter 449 is amended by adding at the end the following:

##### “§ 44939. Passenger and baggage screening fee

“(a) GENERAL AUTHORITY.—

“(1) PASSENGER FEES.—The Under Secretary of Transportation for Security shall impose a fee, on passengers of air carriers and foreign air carriers in air transportation and intrastate air transportation originating at airports in the United States, to pay for the costs of the screening of passengers and property pursuant to section 44901(d). Such costs shall be limited to the salaries and benefits of screening personnel and their direct supervisors, training of screening personnel, and acquisition, operation, and maintenance of equipment used by screening personnel and shall be determined by the Under Secretary.

“(2) AIR CARRIER FEES.—

“(A) AUTHORITY.—In addition to the fee imposed pursuant to paragraph (1), and only to the extent that such fee is insufficient to pay for the costs of the screening of passengers and property pursuant to section 44901(d), the Under Secretary may impose a fee on air carriers to pay for the difference between any such costs and the amount collected from such fee.

“(B) LIMITATION.—The amounts of fees collected under this paragraph may not exceed,

in the aggregate, the amounts paid in calendar year 2000 by air carriers for screening activities described in paragraph (1) as determined by the Under Secretary.

“(b) SCHEDULE OF FEES.—In imposing fees under subsection (a), the Under Secretary shall ensure that the fees are reasonably related to the Transportation Security Administration’s costs of providing services rendered.

“(c) LIMITATION ON FEE.—Fees imposed under subsection (a)(1) may not exceed \$2.50 on a 1-way trip in air transportation or intrastate air transportation that originates at an airport in the United States.

“(d) IMPOSITION OF FEE.—

“(1) IN GENERAL.—Notwithstanding section 9701 of title 31 and the procedural requirements of section 553 of title 5, the Under Secretary shall impose the fee under subsection (a)(1), and may impose a fee under subsection (a)(2), through the publication of notice of such fee in the Federal Register and begin collection of the fee within 60 days of the date of enactment of this Act, or as soon as possible thereafter.

“(2) SUBSEQUENT MODIFICATION OF FEE.—After imposing a fee in accordance with paragraph (1), the Under Secretary may modify, from time to time through publication of notice in the Federal Register, the imposition or collection of such fee, or both.

“(3) LIMITATION ON COLLECTION.—No fee may be collected under this section, except to the extent that expenditure of such fee to pay the costs of activities and services for which the fee is imposed is provided for in advance in an appropriations Act.

“(e) ADMINISTRATION OF FEES.—

“(1) FEES PAYABLE TO UNDER SECRETARY.—All fees imposed and amounts collected under this section are payable to the Under Secretary.

“(2) FEES COLLECTED BY AIR CARRIER.—A fee imposed under subsection (a)(1) shall be collected by the air carrier or foreign air carrier providing the transportation described in subsection (a)(1).

“(3) DUE DATE FOR REMITTANCE.—A fee collected under this section shall be remitted on the last day of each calendar month by the carrier collecting the fee. The amount to be remitted shall be for the calendar month preceding the calendar month in which the remittance is made.

“(4) INFORMATION.—The Under Secretary may require the provision of such information as the Under Secretary decides is necessary to verify that fees have been collected and remitted at the proper times and in the proper amounts.

“(f) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, any fee collected under this section—

“(1) shall be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

“(2) shall be available for expenditure only to pay the costs of activities and services for which the fee is imposed; and

“(3) shall remain available until expended.

“(g) REFUNDS.—The Under Secretary may refund any fee paid by mistake or any amount paid in excess of that required.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by adding after the item relating to section 44938 the following:

“44939. Passenger and baggage screening fee.”.

(c) EXEMPTIONS.—Section 44915 is amended by striking “and 44936” and inserting “44936, and 44939”.

#### SEC. 10. AUTHORIZATIONS OF APPROPRIATIONS.

(a) IN GENERAL.—Subchapter II of chapter 449 is further amended by adding at the end the following:

##### “§ 44940. Authorizations of appropriations

“(a) OPERATIONS OF TRANSPORTATION SECURITY ADMINISTRATION.—There are authorized to be appropriated such sums as may be necessary for the operations of the Transportation Security Administration, including the functions of the Administration under section 44901(d) if the fees imposed under section 44939 are insufficient to cover the costs of such functions.

“(b) GRANTS FOR AIRCRAFT SECURITY.—There is authorized to be appropriated \$500,000,000 for the Secretary of Transportation to make grants to air carriers to—

“(1) fortify cockpit doors to deny access from the cabin to the pilots in the cockpit;

“(2) provide for the use of video monitors or other devices to alert the cockpit crew to activity in the passenger cabin;

“(3) ensure continuous operation of the aircraft transponder in the event the crew faces an emergency; and

“(4) provide for the use of other innovative technologies to enhance aircraft security.

“(c) AIRPORT SECURITY.—There is authorized to be appropriated \$1,500,000,000 for fiscal year 2002 to the Secretary to reimburse airport operators for direct costs that such operators incurred to comply with new, additional, or revised security requirements imposed on airport operators by the Federal Aviation Administration on or after September 11, 2001. Such sums shall remain available until expended.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by adding after the item relating to section 44939 the following:

“44940. Authorizations of appropriations.”.

#### SEC. 11. LIMITATION ON LIABILITY FOR ACTS TO THWART CRIMINAL VIOLENCE OR AIRCRAFT PIRACY.

Section 44903 is amended by adding at the end the following:

“(h) LIMITATION ON LIABILITY FOR ACTS TO THWART CRIMINAL VIOLENCE OR AIRCRAFT PIRACY.—An individual shall not be liable for damages in any action brought in a Federal or State court arising out of the acts of the individual in attempting to thwart an act of criminal violence or piracy on an aircraft if that individual in good faith believed that such an act of criminal violence or piracy was occurring or was about to occur.”.

#### SEC. 12. PASSENGER MANIFESTS.

Section 44909 is amended by adding at the end the following:

“(c) FLIGHTS IN FOREIGN AIR TRANSPORTATION TO THE UNITED STATES.—

“(1) IN GENERAL.—Not later than 60 days after the date of enactment of this subsection, the Under Secretary of Transportation for Security shall require each air carrier and foreign air carrier operating a passenger flight in foreign air transportation to the United States to provide to the Under Secretary by electronic transmission a passenger and crew manifest containing the information specified in subsection (b).

“(2) INFORMATION.—A passenger and crew manifest for a flight required under paragraph (1) shall contain the following information:

“(A) The full name of each passenger and crew member.

“(B) The date of birth and citizenship of each passenger and crew member.

“(C) The sex of each passenger and crew member.

“(D) The passport number and country of issuance of each passenger and crew member if required for travel.

“(E) The United States visa number or resident alien card number of each passenger and crew member, as applicable.

“(F) The passenger name record of each passenger.

“(G) Such other information as the Under Secretary, by regulation, determines is reasonably necessary to ensure aviation safety.

“(3) TRANSMISSION OF MANIFEST.—Subject to paragraph (4), a passenger and crew manifest required for a flight under paragraph (1) shall be transmitted to the Under Secretary in advance of the aircraft landing in the United States in such manner, time, and form as the Under Secretary prescribes.

“(4) TRANSMISSION OF MANIFESTS TO OTHER FEDERAL AGENCIES.—The Under Secretary may require by regulation that a passenger and crew manifest required for a flight under paragraph (1) be transmitted directly to the head of another Federal agency.”.

#### **SEC. 13. TRANSPORTATION SECURITY OVERSIGHT BOARD.**

(a) IN GENERAL.—Chapter 449 is amended by adding at the end the following:

##### **“SUBCHAPTER III—TRANSPORTATION SECURITY OVERSIGHT BOARD**

#### **“§ 44951. Transportation Security Oversight Board**

“(a) IN GENERAL.—There is established a board to be known as a ‘Transportation Security Oversight Board’.

“(b) MEMBERSHIP.—

“(1) NUMBER AND APPOINTMENT.—The Board shall be composed of 5 members as follows:

“(A) The Secretary of Transportation (or the Secretary’s designee).

“(B) The Attorney General (or the Attorney General’s designee).

“(C) The Secretary of the Treasury (or the Secretary’s designee).

“(D) The Secretary of Defense (or the Secretary’s designee).

“(E) One member appointed by the President to represent the National Security Council or the Office of Homeland Security.

“(2) CHAIRPERSON.—The Chairperson of the Board shall be the Secretary of Transportation.

“(c) DUTIES.—The Board shall—

“(1) review and ratify or disapprove any regulation or security directive issued by the Under Secretary of Transportation for security under section 114(h)(2) within 30 days after the date of issuance of such regulation or directive;

“(2) share intelligence information with the Under Secretary;

“(3) review—

“(A) plans for transportation security;

“(B) standards established for performance of airport security screening personnel;

“(C) compensation being paid to airport security screening personnel;

“(D) procurement of security equipment;

“(E) selection, performance, and compensation of senior executives in the Transportation Security Administration;

“(F) waivers granted by the Under Secretary under section 21 of the Secure Transportation for America Act of 2001 and may ratify or disapprove such waivers; and

“(G) budget requests of the Under Secretary; and

“(4) make recommendations to the Under Secretary regarding matters reviewed under paragraph (3).

“(d) QUARTERLY MEETINGS.—The Board shall meet at least quarterly.

“(e) CONSIDERATION OF SECURITY INFORMATION.—A majority of the Board may vote to close a meeting of the Board to the public when classified, sensitive security information, or information protected in accordance with section 40119(b), will be discussed.

#### **“§ 44952. Advisory council**

“(a) ESTABLISHMENT.—The Under Secretary of Transportation for Security shall

establish an advisory council to be known as the ‘Transportation Security Advisory Council’.

“(b) MEMBERSHIP.—The Council shall be composed of members appointed by the Under Secretary to represent all modes of transportation, transportation labor, screening companies, organizations representing families of victims of transportation disasters, and other entities affected or involved in the transportation security process.

“(c) DUTIES.—The Council shall provide advice and counsel to the Under Secretary on issues which affect or are affected by the operations of the Transportation Security Administration. The Council shall function as a resource for management, policy, spending, and regulatory matters under the jurisdiction of the Transportation Security Administration.

“(d) ADMINISTRATIVE MATTERS.—

“(1) MEETINGS.—The Council shall meet on a regular and periodic basis or at the call of the Chairperson or the Under Secretary.

“(2) ACCESS TO DOCUMENTS AND STAFF.—The Under Secretary may give the Council appropriate access to relevant documents and personnel of the Administration, and the Under Secretary shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5 (commonly known as the ‘Freedom of Information Act’), cost data associated with the acquisition and operation of security screening equipment. Any member of the Council who receives commercial or other proprietary data from the Under Secretary shall be subject to the provisions of section 1905 of title 18, pertaining to unauthorized disclosure of such information.

“(3) CHAIRPERSON AND VICE CHAIRPERSON.—The Council shall elect a Chairperson and a Vice Chairperson from among the members, each of whom shall serve for a term of 2 years. The Vice Chairperson shall perform the duties of the Chairperson in the absence of the Chairperson.

“(4) TRAVEL AND PER DIEM.—Each member of the Council shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5.

“(5) DETAIL OF PERSONNEL FROM THE ADMINISTRATION.—The Under Secretary shall make available to the Council such staff, information, and administrative services and assistance as may reasonably be required to enable the Council to carry out its responsibilities under this section.

“(e) FEDERAL ADVISORY COMMITTEE ACT NOT TO APPLY.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Council.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by adding at the end the following:

##### **“SUBCHAPTER III—TRANSPORTATION SECURITY OVERSIGHT BOARD**

“44951. Transportation Security Oversight Board.

“44952. Advisory council.”.

#### **SEC. 14. AIRPORT IMPROVEMENT PROGRAMS.**

(a) COMPETITION PLAN.—Section 47106(f) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

“(3) SPECIAL RULE FOR FISCAL YEAR 2002.—This subsection does not apply to any passenger facility fee approved, or grant made, in fiscal year 2002 if the fee or grant is to be used to improve security at a covered airport.”.

(b) AIRPORT DEVELOPMENT DEFINED.—Section 47102(3) is amended by adding at the end the following:

“(J) hiring, training, compensating, or reimbursement for law enforcement personnel at a non-hub or small hub airport (as defined in section 47131).

“(K) in fiscal year 2002, any activity, including operational activities, of an airport that is not a primary airport if that airport is located within the confines of enhanced class B airspace, as defined by Notice to Airmen FDC 1/0618 issued by the Federal Aviation Administration.

“(L) in fiscal year 2002, payments for debt service on indebtedness incurred to carry out a project at an airport owned or controlled by the sponsor if the Secretary determines that such payments are necessary to prevent a default on the indebtedness.”.

(c) REIMBURSEMENT FOR PAST EXPENSES.—Section 47110(b)(2) is amended—

(1) by striking “or” at the end of subparagraph (B);

(2) by inserting after the semicolon at the end of the subparagraph (C)(iii) “or”; and

(3) by inserting at the end the following:

“(D) if the cost is incurred after September 11, 2001, for a project described in subparagraphs (J), (K), or (L) of section 47102(3) without regard to the date of execution of a grant agreement under this subchapter.”.

(d) FEDERAL SHARE.—Section 47109(a) is amended—

(1) by striking “and” at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting “; and”; and

(3) by adding at the end the following:

“(5) 100 percent for a project described in subparagraphs (J), (K), or (L) of section 47102(3).”.

(e) CONFORMING AMENDMENT TO AIRPORT AND AIRWAY TRUST FUND.—Section 9502(d)(1)(A) of the Internal Revenue Code of 1986 (relating to airport and airway program) is amended by inserting “or the Secure Transportation for America Act of 2001” after “21st Century”.

#### **SEC. 15. TECHNICAL CORRECTIONS.**

(a) REPORT DEADLINE.—Section 106(a) of the Air Transportation Safety and System Stabilization Act (P.L. 107-42) is amended by striking “February 1, 2001” and inserting “February 1, 2002”.

(b) INSURANCE AND REINSURANCE OF AIRCRAFT.—Section 44306(c) (as redesignated by section 201(d) of such Act) is amended by inserting “in the interest of air commerce or national security” before “to carry out foreign policy”.

(c) FEDERAL CREDIT INSTRUMENTS.—Section 102(c)(2)(A) of such Act is amended by striking “representatives” and inserting “representations”.

#### **SEC. 16. ALCOHOL AND CONTROLLED SUBSTANCE TESTING.**

Chapter 451 is amended—

(1) by striking “contract personnel” each place it appears and inserting “personnel”; and

(2) by striking “contract employee” each place it appears and inserting “employee”; and

(3) in section 45106(c) by striking “contract employees” and inserting “employees”; and

(4) by inserting after section 45106 the following:

#### **“§ 45107. Transportation Security Administration**

“(a) TRANSFER OF FUNCTIONS RELATING TO TESTING PROGRAMS WITH RESPECT TO AIRPORT SECURITY SCREENING PERSONNEL.—The authority of the Administrator of the Federal Aviation Administration under this chapter with respect to programs relating to testing of airport security screening personnel are transferred to the Under Secretary of Transportation for Security. Notwithstanding section 45102(a), the regulations prescribed under section 45102(a) shall require testing of such personnel by their

employers instead of by air carriers and foreign air carriers.

“(b) APPLICABILITY OF CHAPTER WITH RESPECT TO EMPLOYEES OF ADMINISTRATION.—The provisions of this chapter that apply with respect to employees of the Federal Aviation Administration whose duties include responsibility for safety-sensitive functions shall apply with respect to employees of the Transportation Security Administration whose duties include responsibility for security-sensitive functions. The Under Secretary of Transportation for Security, the Transportation Security Administration, and employees of the Transportation Security Administration whose duties include responsibility for security-sensitive functions shall be subject to and comply with such provisions in the same manner and to the same extent as the Administrator of the Federal Aviation Administration, the Federal Aviation Administration, and employees of the Federal Aviation Administration whose duties include responsibility for safety-sensitive functions, respectively.”; and

(5) in the analysis for such chapter by inserting after the item relating to section 45106 the following:

“45107. Transportation Security Administration”.

#### SEC. 17. CONFORMING AMENDMENTS TO SUBTITLE VII.

(a) RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.—Part A of subtitle VII is amended—

(1) by moving subsections (f), (g), and (h) of section 44936 from section 44936, inserting them at the end of section 44703, and redesignating them as subsections (h), (i), and (j), respectively; and

(2) in subsections (i) and (j) of section 44703 (as moved to the end of section 44703 by paragraph (1) of this subsection), by striking “subsection (f)” each place it appears and inserting “subsection (h)”.

(b) INVESTIGATIONS AND PROCEDURES.—Chapter 461 is amended—

(1) in each of sections 46101(a)(1), 46102(a), 46103(a), 46104(a), 46105(a), 46106, 46107(b), and 46110(a) by inserting after “(or)” the following: “the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or”;

(2) by striking “or Administrator” each place it appears and inserting “, Under Secretary, or Administrator”;

(3) in section 46101(a)(2) by striking “of Transportation or the” and inserting “, Under Secretary, or”;

(4) in section 46102(b) by striking “and the Administrator” and inserting “, the Under Secretary, and the Administrator”;

(5) in section 46102(c) by striking “and Administrator” each place it appears and inserting “, Under Secretary, and Administrator”;

(6) in each of sections 46102(d) and 46104(b) by inserting “the Under Secretary,” after “Secretary,”;

(7) in the heading to section 46106 by striking “**Secretary of Transportation and Administrator of the Federal Aviation Administration**” and inserting “**Department of Transportation**”; and

(8) in the item relating to section 46106 of the analysis for such chapter by striking “Secretary of Transportation and Administrator of the Federal Aviation Administration” and inserting “Department of Transportation”.

(c) ADMINISTRATIVE.—Section 40113 is amended—

(1) in subsection (a)—

(A) by inserting after “(or)” the following: “the Under Secretary of Transportation for Security with respect to security duties and

powers designated to be carried out by the Under Secretary or”; and

(B) by striking “or Administrator” and inserting “, Under Secretary, or Administrator”;

(2) in subsection (d)—

(A) by inserting after “The” the following: “Under Secretary of Transportation for Security or the”;

(B) by striking “Administration” the second place it appears and inserting “Transportation Security Administration or Federal Aviation Administration, as the case may be,”; and

(C) by striking “the Administrator decides” and inserting “the Under Secretary or Administrator, as the case may be, decides”.

(d) PENALTIES.—Chapter 463 is amended—

(1) in section 46301(d)(2)—

(A) by striking “, chapter 449 (except sections 44902, 44903(d), 44907(a)–(d)(1)(A) and (d)(1)(C)–(f), 44908, and 44909),”;

(B) by inserting after the first sentence the following: “The Under Secretary of Transportation for Security may impose a civil penalty for a violation of chapter 449 (except sections 44902, 44903(d), 44907(a)–(d)(1)(A), 44907(d)(1)(C)–(f), 44908, and 44909) or a regulation prescribed or order issued under such chapter 449.”; and

(C) by inserting “Under Secretary or” before “Administrator shall”;

(2) in each of paragraphs (3) and (4) of section 46301(d) by striking “Administrator” each place it appears and inserting “Under Secretary or Administrator”;

(3) in section 46301(d)(8) by striking “Administrator” and inserting “Under Secretary, Administrator,”;

(4) in section 46301(h)(2) by inserting after “(or)” the following: “the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or”;

(5) in section 46303(c)(2) by inserting “or the Under Secretary of Transportation for Security” after “Federal Aviation Administration”;

(6) in section 46311—

(A) by inserting after “Transportation,” the following: “the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary,”;

(B) by inserting after “Secretary,” each place it appears the following: “Under Secretary,”; and

(C) by striking “or Administrator” each place it appears and inserting “, Under Secretary, or Administrator”;

(7) in each of sections 46313 and 46316 by inserting after “(or)” the following: “the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or”;

(8) in section 46505(d)(2) by inserting “or the Under Secretary of Transportation for Security” after “Federal Aviation Administration”.

#### SEC. 18. SAVINGS PROVISION.

(a) TRANSFER OF ASSETS AND PERSONNEL.—Except as otherwise provided in this Act, those personnel, property, and records employed, used, held, available, or to be made available in connection with a function transferred to the Transportation Security Administration by this Act shall be transferred to the Transportation Security Administration for use in connection with the functions transferred. Unexpended balances of appropriations, allocations, and other funds made available to the Federal Aviation Administration to carry out such functions shall also be transferred to the Transportation Security Administration for use in connection with the functions transferred.

(b) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, settlements, agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the Federal Aviation Administration, any officer or employee thereof, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred by this Act; and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date), shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Under Secretary of Transportation for Security, any other authorized official, a court of competent jurisdiction, or operation of law.

(c) PROCEEDINGS.—

(1) IN GENERAL.—The provisions of this Act shall not affect any proceedings or any application for any license pending before the Federal Aviation Administration at the time this Act takes effect, insofar as those functions are transferred by this Act; but such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(2) STATUTORY CONSTRUCTION.—Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any proceeding described in paragraph (1) under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(3) ORDERLY TRANSFER.—The Secretary of Transportation is authorized to provide for the orderly transfer of pending proceedings from the Federal Aviation Administration.

(d) SUITS.—

(1) IN GENERAL.—This Act shall not affect suits commenced before the date of the enactment of this Act, except as provided in paragraphs (2) and (3). In all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(2) SUITS BY OR AGAINST FAA.—Any suit by or against the Federal Aviation Administration begun before the date of enactment of this Act shall be continued, insofar as it involves a function retained and transferred under this Act, with the Transportation Security Administration (to the extent the suit involves functions transferred to the Transportation Security Administration under this Act) substituted for the Federal Aviation Administration.

(3) REMANDED CASES.—If the court in a suit described in paragraph (1) remands a case to the Transportation Security Administration, subsequent proceedings related to such case shall proceed in accordance with applicable law and regulations as in effect at the time of such subsequent proceedings.

(e) CONTINUANCE OF ACTIONS AGAINST OFFICERS.—No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of the Federal Aviation Administration shall abate by reason of the enactment of this Act. No cause of action by or against the Federal Aviation Administration, or by or against any officer

thereof in his official capacity, shall abate by reason of the enactment of this Act.

(f) EXERCISE OF AUTHORITIES.—Except as otherwise provided by law, an officer or employee of the Transportation Security Administration may, for purposes of performing a function transferred by this Act or the amendments made by this Act, exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer of the function under this Act.

(g) ACT DEFINED.—In this section, the term “Act” includes the amendments made by this Act.

#### SEC. 19. BUDGET SUBMISSIONS.

The President's budget submission for fiscal year 2003 and each fiscal year thereafter shall reflect the establishment of the Transportation Security Administration.

#### SEC. 20. AIRCRAFT OPERATIONS IN ENHANCED CLASS B AIRSPACE.

Notice to Airmen FDC 1/0618 issued by the Federal Aviation Administration, and any other regulation, order, or directive that restricts the ability of United States registered aircraft to conduct operations under part 91 of title 14, Code of Federal Regulations, in enhanced class B airspace (as defined by such Notice), shall cease to be in effect beginning on the 10th day following the date of enactment of this Act, unless the Secretary of Transportation publishes a notice in the Federal Register before such 10th day reimposing the restriction and explaining the reasons for the restriction.

#### SEC. 21. WAIVERS FOR CERTAIN ISOLATED COMMUNITIES.

(a) IN GENERAL.—In any case in which a restriction is imposed on an air carrier (as defined in section 40102 of title 49, United States Code) for reasons of national security by any government agency, the Under Secretary of Transportation for Security may grant a waiver from such restrictions for the carriage of cargo, mail, patients, and emergency medical supplies (and associated personnel) on flights to or from a community that is not accessible by road, or that is more than 200 miles, from a hub airport (as defined in section 41731 of such title).

(b) REVIEW AND DISAPPROVAL.—Any grant of a waiver by the Under Secretary under this section shall be subject to review and disapproval by the Transportation Security Oversight Board.

(c) LIMITATIONS.—The Board may impose reasonable limitations on any waiver granted under this section.

#### SEC. 22. ASSESSMENTS OF THREATS TO AIRPORTS.

Section 44904 is amended by adding at the end the following:

“(d) PASSENGER VEHICLES.—

“(1) THREAT ASSESSMENT.—An operator of an airport with scheduled passenger service, in consultation with appropriate State or local law enforcement authorities, may conduct a threat assessment of the airport to determine whether passenger vehicles should be permitted to park within 300 feet of the airport terminal building.

“(2) REMOVAL OF CERTAIN RESTRICTIONS.—If the airport operator, after consultation with the appropriate State or local law enforcement authorities, determines that safeguards are in place to sufficiently protect public safety and so certifies, in writing, to the Secretary of Transportation, any rule, order, or other directive of the Secretary prohibiting the parking of passenger vehicles within 300 feet of an airport terminal building shall not apply to the terminal building at such airport.”.

The CHAIRMAN. No amendment is in order except those printed in House Re-

port 107-264 or otherwise specified in House Resolution 274. Each amendment may be offered only in the order printed, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

□ 1700

It is now in order to consider amendment No. 1 printed in House Report 107-264.

AMENDMENT NO. 1 OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. YOUNG of Alaska:

Page 1, line 6, strike “Secure Transportation for America Act of 2001” and insert “Airport Security Federalization Act of 2001”.

In the table of contents after line 8, strike the item relating to section 15 and insert the following:

Sec. 15. Technical corrections.

Page 2, before line 9, insert the following:

#### TITLE I—AVIATION SECURITY

Redesignate sections 2 through 22 of the bill as sections 101 through 121, respectively.

Conform the table of contents of the bill, accordingly.

Page 13, line 17, strike “(1) in subsection (a) by striking” and inserting the following:

(1) in subsection (a)—

(A) by striking “a cabin of”; and

(B) by striking

Page 14, line 2, strike “The responsibility” and insert the following:

“(1) IN GENERAL.—The responsibility

Page 14, after line 8, insert the following:

“(2) ADDITIONAL SCREENING AUTHORITY.—

The Under Secretary may perform any such additional screening of passengers and property on passenger aircraft in air transportation that originates in the United States or intrastate air transportation that the Under Secretary deems necessary to enhance aviation security.

Page 14, line 20, strike the closing quotation marks and the final period and insert the following:

“(g) DEPUTIZATION OF AIRPORT SCREENING PERSONNEL.—The Under Secretary shall deputize, for enforcement of such Federal laws as the Under Secretary determines appropriate, all airport screening personnel as Federal transportation security agents and shall ensure that such agents operate under common standards and common uniform, insignia, and badges. The authority to arrest an individual may be exercised only by supervisory personnel who are sworn, full-time law enforcement officers.”.

Page 15, after line 24, insert the following:

“(7) a requirement that any private security firm retained to provide airport security services be owned and controlled by a citizen of the United States, to the extent that the President determines that there are firms owned and controlled by such citizens;

Page 16, line 1, strike “(7)” and insert “(8)”.

Page 16, line 2, strike “and”.

Page 16, line 3, strike “(8)” and insert “(9)”.

Page 16, line 7, strike both periods and the closing quotation marks and insert “; and” and the following:

“(10) a preference for the hiring of any individual who is a former employee of an air carrier and whose employment with the air carrier was terminated as a result of a reduction in the workforce of the air carrier.”.

Page 16, lines 11 and 12, strike “Secure Transportation for America Act of 2001” and insert “Airport Security Federalization Act of 2001”.

Page 16, line 20, strike “pursuant” and insert “pursuant to”.

Page 19, line 22, strike “and”.

Page 20, line 2, strike the period and insert “; and” and the following:

(J) the ability to demonstrate daily a fitness for duty without any impairment due to illegal drugs, sleep deprivation, medication, or alcohol.

Page 21, line 14, strike “and”.

Page 21, line 20, strike the period and insert a semicolon and the following:

“(5) require air carriers to provide, on a space-available basis, to an off-duty Federal air marshal a seat on a flight to the airport nearest the marshal's home at no cost to the marshal or the United States Government if the marshal is traveling to that airport after completing his or her security duties; and

“(6) provide, in choosing among applicants for a position as a Federal air marshal, a preference for the hiring of a pilot of an air carrier whose employment with the air carrier was terminated as a result of a reduction in the workforce of the air carrier if the pilot is otherwise qualified for the position.

Page 22, line 3, after “consultation with” insert “and concurrence of”.

Page 22, before line 10, insert the following:

(c) BASIC PAY DEFINED.—Section 8331(3)(E) of title 5, United States Code, is amended to read as follows:

“(E) availability pay—

“(i) received by a criminal investigator under section 5545a of this title; or

“(ii) received after September 11, 2001, by a Federal air marshal of the Department of Transportation.”.

Page 24, line 1, strike “Provide” and insert “Establish performance goals for individuals described in paragraph (6), provide”.

Page 24, lines 2 and 3, strike “individuals described in paragraph (6)” and insert “such individuals.”.

Page 26, after line 2, insert the following:

“(16) Establish a uniform system of identification for all State and local law enforcement personnel for use in obtaining permission to carry weapons in aircraft cabins and in obtaining access to a secured area of an airport.

“(17) Establish requirements under which air carriers, under the supervision of the Under Secretary, could implement trusted passenger programs and use available technologies to expedite the security screening of passengers who participate in such programs, thereby allowing security screening personnel to focus on those passengers who should be subject to more extensive screening.

“(18) In consultation with the Commissioner of Food and Drugs, develop security procedures under which a medical product to be transported on a flight of an air carrier would not be subject to manual or x-ray inspection if conducting such an inspection would irreversibly damage the product.

“(19) Develop security procedures to allow passengers transporting a musical instrument on a flight of an air carrier to transport the instrument in the passenger cabin of the aircraft, notwithstanding any size or other restriction on carry-on baggage but subject to such other reasonable terms and conditions as may be established by the



Under Secretary or the air carrier, including imposing additional charges by the air carrier.

“(20) Provide for the use of wireless and wire line data technologies enabling the private and secure communication of threats to aid in the screening of passengers and other individuals on airport property who are identified on any State or Federal security-related data base for the purpose of having an integrated response coordination of various authorized airport security forces.

Page 26, strike line 19 and all that follows through line 7 on page 27 and insert the following:

“(d) PROPERTY SECURITY PROGRAM.—

“(1) CHECKED BAGGAGE.—

“(A) FINAL DEADLINE FOR SCREENING.—A system must be in operation to screen all checked baggage at all airports in the United States no later than December 31, 2003.

“(B) USE OF EXPLOSIVE DETECTION EQUIPMENT.—The Under Secretary shall ensure that explosive detection equipment installed at airports to screen checked baggage is used to the maximum extent possible.

“(C) INSTALLATION OF ADDITIONAL EXPLOSIVE DETECTION EQUIPMENT.—The Under Secretary shall install additional explosive detection equipment at airports as soon as possible to ensure that all checked baggage is screened before being placed in an aircraft.

“(D) INTERIM BAG-MATCH PROGRAMS.—Until the Under Secretary has installed enough explosive detection equipment at airports to ensure that all checked baggage is screened, the Under Secretary shall require air carriers to implement bag-match programs that ensure that no checked baggage is placed in an aircraft unless the passenger who checks the baggage is aboard the aircraft.

“(2) CARGO DEADLINE.—A system must be in operation to screen all cargo that is to be transported in passenger aircraft in air transportation and intrastate air transportation as soon as possible after the date of enactment of this paragraph.

Page 29, line 10, strike “and” and insert the following:

(2) by adding at the end of paragraph (1) the following:

“(G) BACKGROUND CHECKS OF CURRENT EMPLOYEES.—A background check (including a criminal history record check and a review of available law enforcement data bases and records of other governmental and international agencies) shall be required for any individual who currently has unescorted access to an aircraft of an air carrier or foreign air carrier, unescorted access to a secured area of an airport in the United States that serves an air carrier or foreign air carrier, or is responsible for screening passengers or property, or both, unless that individual was subject to such a background check before the individual began his or her current employment or is exempted from such a check under section 107.31(m) of title 14, Code of Federal Regulations.”; and

Page 29, line 11, strike “(2)” and insert “(3)”.

Page 34, strike line 23 and all that follows through line 4 on page 35 and insert the following:

“(c) AIRPORT SECURITY.—

“(1) IN GENERAL.—There is authorized to be appropriated to the Secretary for fiscal years 2002 and 2003 a total of \$1,500,000,000 to reimburse airport operators for direct costs incurred by such operators to comply with new, additional, or revised security requirements imposed on such operators by the Federal Aviation Administration or Transportation Security Administration on or after September 11, 2001. Such sums shall remain available until expended.

“(2) CONDITIONS.—Before providing financial assistance to an airport operator with

funds appropriated pursuant to paragraph (1), the Secretary shall require the operator to provide assurances that the operator will—

“(A) meet with the tenants of the airport (other than air carriers and foreign air carriers) to discuss adjustments of the rent of the tenants to account for losses in revenue incurred by the tenants on and after September 11, 2001; and

“(B) provide to the Secretary an itemized list of costs incurred by the operator to comply with the security requirements described in paragraph (1), including costs relating to landing fees, automobile parking revenues, rental cars, restaurants, and gift shops.”.

Page 36, line 9, strike “subsection (b)” and insert “paragraph (2)”.

Page 39, lines 16 and 17, strike “Secure Transportation for America Act of 2001” and insert “Airport Security Federalization Act of 2001”.

Page 43, line 22, after “sponsor” insert “or at a privately owned or operated airport passenger terminal financed by indebtedness incurred by the sponsor”.

Page 44, beginning on line 25, strike “Secure Transportation for America Act of 2001” and insert “Airport Security Federalization Act of 2001”.

Page 45, after line 15, insert the following:

(d) MAXIMUM AMOUNT OF COMPENSATION PAYABLE PER AIR CARRIER.—Section 103 of such Act is amended by adding at the end the following:

“(d) COMPENSATION FOR AIR CARRIERS PROVIDING AIR AMBULANCE SERVICES.—

“(1) SET-ASIDE.—The President may set aside a portion of the amount of compensation payable to air carriers under section 101(a)(2) to provide compensation to air carriers providing air ambulance services. The President shall reduce the \$4,500,000,000 specified in subsection (b)(2)(A)(i) by the amount set aside under this subsection.

“(2) DISTRIBUTION OF AMOUNTS.—The President shall distribute the amount set aside under this subsection proportionally among air carriers providing air ambulance services based on an appropriate auditable measure, as determined by the President.”.

At the end of the bill, add the following (and conform the table of contents of the bill accordingly):

#### **SEC. 122. REQUIREMENT TO HONOR PASSENGER TICKETS OF OTHER CARRIERS.**

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end the following:

##### **“§ 41722. Requirement to honor passenger tickets of other carriers**

“Each air carrier that provides scheduled air transportation on a route shall provide, to the extent practicable, air transportation to passengers ticketed for air transportation on that route by any other air carrier that suspends, interrupts, or discontinues air passenger service on the route by reason of an act of war or terrorism or insolvency or bankruptcy of the carrier.”.

(b) CONFORMING AMENDMENT.—The analysis for such subchapter is amended by adding at the end the following:

“41722. Requirement to honor passenger tickets of other carriers.”.

#### **SEC. 123. SENSE OF CONGRESS ON CERTAIN AVIATION MATTERS.**

(a) FLIGHT SERVICE STATION EMPLOYEES.—It is the sense of Congress that the Administrator of the Federal Aviation Administration should continue negotiating in good faith with flight service station employees of the Administration with a goal of reaching agreement on a contract as soon as possible.

(b) WAR RISK INSURANCE.—It is the sense of Congress that the Secretary of Transportation should implement section 202 of the

Air Transportation Safety and System Stabilization Act (Public Law 107-42) so as to make war risk insurance available to vendors, agents, and subcontractors of general aviation aircraft.

(c) TRANSPORT OF ANIMALS.—It is the sense of Congress that an air carrier that transports mail under a contract with the United States Postal Service should transport any animal that the Postal Service allows to be shipped through the mail.

(d) SCREENING.—It is the sense of Congress that the Under Secretary of Transportation for Security should require, as soon as practicable, that all property carried in a passenger aircraft in air transportation or intrastate air transportation (including checked baggage) be screened by any currently available means, including X-ray machine, hand-held metal detector, explosive detection system equipment, or manual search.

(e) CONTRACTS FOR AIRPORT SECURITY SERVICES.—It is the sense of Congress that, in awarding a contract for airport security services, the Under Secretary of Transportation for Security should, to the maximum extent practicable, award the contract to a firm that is owned and controlled by a citizen of the United States.

### **TITLE II—VICTIMS COMPENSATION**

#### **SEC. 201. LIMITATION ON LIABILITY FOR DAMAGES ARISING OUT OF CRASHES OF SEPTEMBER 11, 2001.**

Section 408 of the Air Transportation Safety and System Stabilization Act (Public Law 107-42; 115 Stat. 240; 49 U.S.C. 40101 note) is amended—

(1) by amending the section heading to read as follows:

##### **“SEC. 408. LIMITATION ON LIABILITY FOR DAMAGES ARISING OUT OF CRASHES OF SEPTEMBER 11, 2001.”;**

(2) by amending subsection (a) to read as follows:

“(a) GENERAL LIMITATION OF LIABILITY.—Except as provided in this section, no Federal court or agency or State court or agency shall enforce any Federal or State law holding any person, or any State or political subdivision thereof, liable for any damages arising out of the hijacking and subsequent crashes of American Airlines flights 11 or 77, or United Airlines flights 93 or 175, on September 11, 2001.”;

(3) in subsection (b), by adding at the end the following new paragraphs:

“(4) DAMAGES.—If any party to any action brought under this subsection is determined to be liable—

“(A) no damages in the aggregate ordered by the court to be paid by such party shall exceed the amount of insurance, minus any payments made pursuant to a court approved settlement, which such party is determined to have obtained prior to September 11, 2001, and which is determined to cover such party's liability for any damages arising out of the hijacking and subsequent crashes of American Airlines flights 11 or 77, or United Airlines flights 93 or 175, on September 11, 2001;

“(B) such party shall not be liable for interest prior to the judgment or for punitive damages intended to punish or deter; and

“(C) the court shall reduce the amount of damages awarded to a plaintiff by the amount of collateral source compensation that the plaintiff has received or is entitled to receive as a result of the terrorist-related aircraft crashes of September 11, 2001.

“(5) ATTORNEYS' FEES.—Reasonable attorneys' fees for work performed in any action brought under this subsection shall be subject to the discretion of the court, but in no event shall any attorney charge, demand, receive, or collect for services rendered, fees in

excess of 20 percent of the damages ordered by the court to be paid pursuant to this subsection, or in excess of 20 percent of any court approved settlement made of any claim cognizable under this subsection. Any attorney who charges, demands, receives, or collects for services rendered in connection with such claim any amount in excess of that allowed under this subsection, if recovery be had, shall be fined not more than \$2,000 or imprisoned not more than one year, or both.”;

(4) by amending subsection (c) to read as follows:

“(c) EXCLUSION.—Nothing in this section shall in any way limit any liability of any person who—

“(1) hijacks any aircraft or commits any terrorist act; or

“(2) knowingly participates in a conspiracy to hijack any aircraft or commit any terrorist act.”; and

(5) by adding at the end the following new subsections:

“(d) DISCLAIMER.—Nothing herein implies that any person is liable for damages arising out of the hijacking and subsequent crashes of American Airlines flights 11 or 77, or United Airlines flights 93 or 175, on September 11, 2001.

“(e) STATE DEFINED.—In this section, the term ‘State’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory of possession of the United States or any political subdivision of any of the foregoing.”.

The CHAIRMAN. Pursuant to House Resolution 274, the gentleman from Alaska (Mr. YOUNG) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not know why I should read this explanation, it was read before, if anybody was listening; but the manager's amendment consists of a number of provisions that Members have requested in order to improve our bill.

Some of these amendments clarify existing language in the bill to ensure that we truly have a better system of security for the traveling public. Others are intended to provide additional assistance to those who suffered substantial increased costs due to Federal security mandates since September 11.

We change the title of the bill to better reflect the fact that this bill federalizes the airport screening process, and want to make that clear.

The new title of this bill is “Airport Security Federalization Act.”

The manager's amendment provides much-needed assistance to airports to meet their increased security expenses by authorizing \$1.5 billion to cover increased security costs into FY 2003.

The amendment authorizes the Under Secretary to deputize screeners as Federal transportation security agents and ensure that such agents operate under common standards, badges, uniforms, and insignias.

We increase the requirements for retroactive background checks for screeners and airport employees.

The amendment strengthens existing language in the bill on the screeners who check baggage and sets a deadline for screening of all baggage for December 31, 2003.

The amendment addresses compensation for air marshals and ensures that they will be able to travel back to their homes without charge when they leave active duty status.

This is a good amendment. This amendment has been discussed and greatly improves the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Minnesota is recognized for 10 minutes.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. SCOTT), a member of the Committee on the Judiciary.

Mr. SCOTT. Mr. Chairman, I thank the gentleman for yielding me time.

I would like to speak very briefly on the victims' compensation portion of the amendment, better titled “Limits on Victims' Compensation.” This liability section includes a lot of tort reform provisions not considered by the Committee on the Judiciary, and there are a number of unanswered questions that hopefully would be resolved had it been considered by the Committee on the Judiciary.

For example, to qualify for relief, and that is it limits loss to insurance coverage, to qualify for that kind of relief from liability, the defendant must show the damages arise out of the hijacking and subsequent crashes on September 11. The question, of course, is what does “arise out of” mean?

If you are in a breach-of-contract suit in state court in California and alleging that the goods were not delivered or were slow to deliver and that might have been caused by the September 11 crash and the subsequent failure of people to move, does that count as arising out of the crashes?

Why should we reward people for not having insurance? If two cases are identical and one person has insurance, they can recover. In the next case, the person does not have insurance or is self-insured, no recovery. That is obviously not fair.

How do deductibles work? If you have \$1 million coverage and \$10,000 deductible, what happens to a \$9,000 claim? Do you lose it because it is not covered by insurance? When we had the airline relief bill, we provided specific help to specific defendants, knowing the kinds of cases; and we knew their insurance coverage. That is not the case here.

There are other provisions, like the attorney's fees provision where you assume that the person is charging a contingent percentage fee. They may be charging a flat fee. Also the collateral source rules.

These provisions have not been considered by the Committee on the Judi-

ciary. They have nothing to do with security; and, therefore, the manager's amendment ought to be defeated.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Chairman, I am a bit puzzled hearing my colleague on the Committee on the Judiciary, the gentleman from Virginia (Mr. SCOTT), say that this bill ought to be delayed so that the Committee on the Judiciary can consider contingent liability issues. We have heard from the other side again and again that we ought to send the substitute amendment to the President tonight so that the people can have protection, and yet my colleague from the Committee on the Judiciary wants us to spend some time looking at contingent liability provisions.

The manager's amendment is important to complete the job we failed to do in passing the airline liability bill. That bill capped air carriers' liability at the limit of their insurance, so we have protected United Airlines and American Airlines and the security firms that screened the passengers that got on the planes that were hijacked, which have been included in the definition of air carriers by two Federal Court decisions; but we did not give the same type of contingent liability protection to Boeing, the manufacturer of the plane, to Pratt and Whitney and General Electric, the manufacturers of the engines, the Port Authority of New York and New Jersey, which is a quasi-public corporation, the lessee of the World Trade Center, the fire department and police departments of the City of New York, and anybody else that might have contingent liability.

What the manager's amendment provision does is to close the loop. If we do not close the loop, none of the entities I have talked about, particularly the private sector entities, are going to be able to borrow money. So unless the manager's amendment is passed, you are not going to be able to see Boeing and General Electric and Pratt and Whitney and the wallboard manufacturer of the walls in the 105th floor of the World Trade Center be able to keep themselves in business, because no bank will lend them money because of contingent liability issues.

So if the manager's amendment goes down because of the arguments the gentleman from Virginia (Mr. SCOTT) has advanced, then I guess American airlines, and that is small “a” American airlines, not the corporation, are going to be flying Air Buses with Rolls Royce engines simply because we are not going to have American manufacturers in the international civil aviation market.

This provision of the manager's amendment is strongly endorsed both by Governor Pataki and Mayor Giuliani, who feel it is necessary to protect the State, the city, and the

Port Authority from lawsuits; and I think that this is reasonable, to give corporations and entities besides the airlines the same type of protection that we gave air carriers in the airline liability bill.

The manager's amendment should be passed. I thank the gentleman from Alaska for including it in his amendment.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I thank the ranking member for yielding me time.

Mr. Chairman, I rise in opposition to the so-called airport security bill that my Republican colleagues have finally brought to the floor, and support the Oberstar-Ganske bipartisan substitute. This bill is weeks late. In ignoring the bipartisan efforts of our colleagues in the Senate, we are delaying the much-needed restructuring of our Nation's airport security. We are continuing the risk for the American flying public by simply going to conference committee for we do not know how long.

We have seen the results of not taking security at our airports seriously. Since the terrorist attacks of September 11, security has been increased at airports across America; but we need to professionalize it.

We continue to hear reports of passengers carrying weapons on planes, convicted felons serving as security screeners, and unauthorized personnel being allowed access to secure areas. It is time for the Federal Government to step in. We have resources that neither the air carriers nor the current security contractors possess. We need Federal air marshals, expanded anti-hijacking training for flight crews, fortified cockpit doors, X-ray inspection of all carry-on and checked bags.

It is clear that the current system of contracting out this law enforcement function to the lowest bidder has created a workforce that suffers from high turnover, low pay and low morale. Congress should take this opportunity to create a professional, highly skilled, well-trained Federal law enforcement workforce.

We do not want to privatize our Capitol Police, the U.S. Customs, the FBI, or the Border Patrol. They are law enforcement; and that is what law enforcement functions are, and that is what this is.

To close, the comments that the only thing Democrats want to do is use Federal employees so they can be union members, I could not have heard it better yesterday from airline pilot that said the heroes of September 11 were union members: the airline pilots, the flight attendants, the New York police and firefighters. A free and strong union movement is vital to our Nation, if it is a public and police function at our airports.

I urge my colleagues to vote now for the safety of the American public.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Chairman, I would like to thank the ranking member for yielding me time and also for the leadership he has shown on this very important issue.

As a member of the Subcommittee on Aviation, it became very apparent to all of us that we are lacking in this particular area. This is not a question of more Federal employees or less Federal employees or private contractors. There is a problem in the system.

The argument that was advanced earlier was, well, because there is a problem of communication of Federal law enforcement agencies, we do not want to add to that problem of Federal coordination of law enforcement agencies. I totally reject that. If we are going to be able to make sure that the screeners on the front lines of security have the latest information about terrorists and suspected terrorists, they need to be Federal employees, Federal law enforcement personnel, so they have the information from the Justice Department which this legislation authorizes the Attorney General to be able to promulgate the rules and regulations. They need to be in the Federal loop. The appointment of Tom Ridge as Homeland Security Czar was meant to demand that coordination. We should not accept anything else but coordination of the FBI, the intelligence agencies, and all Federal law enforcement.

The other issue that needs to be federalized is the uniform security. Different airlines in our hearings had different procedures what to look at. One looks at this, one looks at something else. We need uniform Federal standards, and we need to advance and upgrade these positions if we are going to encourage the public to fly again and feel the security of flying again.

This is not a question of more Federal employees or private contractors. It is based on the hearings the subcommittee held, the testimony that was taken. There are gaping holes in the system.

This has been approved overwhelmingly in the Senate, bipartisanly, and bipartisanly in this Congress. I totally reject the arguments that are being made that it can be done better with what we have now in dressing it up.

Mr. Chairman, I ask my colleagues to stand together, to unite around this legislation and to get them into the airports where they belong.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman very much for yielding. I was discussing earlier today that this is not a time to cast any doubt or any suggestion on the honesty and integrity of individuals who have come to this floor with different opinions. But I want to thank, as I said earlier, the leadership

of the Committee on Transportation and Infrastructure for allowing us this debate on this very important issue.

I would have preferred standing in this well 3 weeks ago, 4 weeks ago, almost a month ago. I would have preferred not standing at all, or having to deliberate on this legislation and or having to reflect on September 11, 2001. But we are here today because that tragedy occurred. As I mentioned to the distinguished gentleman from Minnesota (Mr. OBERSTAR), we are also here because Pan Am 103 occurred December 1988. A plane full of happy individuals leaving the European continent, coming home for the holidays, flight attendants, pilots, families, students, all looking forward to the Christmas holiday.

□ 1715

And over Lockerbie, Scotland, that plane blew up because of a bomb placed in an unsecured checked bag. If we do anything today, we should pass this bill so that it could be on the President's desk this evening. The reason is, for once in this Nation, for the first time, we will be able to tell the American people that every single bag that gets on the airplane, checked luggage, will be screened and analyzed. We will have Federal air marshals; and rather than a paper-thin cockpit door, we will have an enforced cockpit door. We will also have the ability to say "no room at the inn" for anyone who comes in with a \$25,000 check and says, I want to be a pilot in the United States of America, and we do not know their background or why they came here to this country.

There are many tragic things that happened on September 11, 2001. Our borders were not as secure as they should have been. We did not have the tracking ability to track those who came in legally, but over stayed their visas; and then we did not have reenforced cockpit doors. But we must do the right thing today and correct what we can do today—federalize airline security. Do what the American people deserve—provide security for the airlines to provide safe airways for the American people now!

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. BALLENGER).

(Mr. BALLENGER asked and was given permission to revise and extend his remarks.)

Mr. BALLENGER. Mr. Chairman, lack of experience in times of decision can easily lead to mistakes. I would imagine that the largest number of employees most Members of Congress have ever employed is their staff here in Washington and back in their districts. As employers, Members of Congress are called on to make hiring, firing and fringe benefit decisions for their staffs. They are involved in hiring, firing, evaluating, and eliminating weak or unsatisfactory employees. These decisions can be made without government advice or instructional guidelines.

Now, let us just imagine that we federalize all congressional employees. They would immediately gain all the benefits of civil service, which would then require us to hire, pay, and advance employees according to government regulations; and by the way, we could not fire them without a major just-cause hearing, which we would probably lose. Everything would have to be done according to prescribed rules. In other words, we would no longer control the operation of our offices, good or bad.

In the case of a Member, we are talking about 15 or 20 employees; but suppose we are talking about Federal aviation safety. We are talking about 31,000 employees who deem their jobs by government hiring and would not have to be efficient, polite or qualified. Under the control of the FAA, the Justice Department or whatever agency, can we imagine how long it would take to get such an operation started? Probably a year or two. Does that sound about right?

Stop and think about how efficient any government operation is. Can we replace the FAA or the INS or Internal Revenue Service or even change their operating system when it becomes out of date? We tried, but to no avail. Remember the reduction to government employees under President Clinton? Those reductions were nearly all Armed Forces. He could not touch civilian employees.

By the way, over 40 of the Senators who voted for the Senate version now confess they would never have supported it if their leadership had given them another choice.

Vote to allow private airport security operation overseen by the Federal Government. Vote for President Bush's choice.

#### ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Once again, the Chair would remind Members not to speculate on the intent of Members of the other body.

Mr. OBERSTAR. Mr. Chairman, could the Chair enlighten us on the time remaining?

The CHAIRMAN. The gentleman from Minnesota (Mr. OBERSTAR) has 2 minutes remaining, and the gentleman from Alaska (Mr. YOUNG) has 3½ minutes remaining.

Mr. OBERSTAR. And under the procedure of the House, does our side have the right to close?

The CHAIRMAN. That is correct.

#### PARLIAMENTARY INQUIRY

Mr. YOUNG of Alaska. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. YOUNG of Alaska. Mr. Chairman, I thought the one who offers the amendment has the right to close.

The CHAIRMAN. The gentleman normally would be correct; but under this particular amendment, under clause 3(c) of rule XVII, the minority manager has the right to close.

Mr. OBERSTAR. Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, again, I will try to set the record straight. The gentleman from Maine who spoke earlier talked about the need to establish some type of an exchange of information; and it is true, the Senate bill does establish that. However, it does not provide that the information go to the airlines. The airlines are the only ones that have the passenger list. In their haste to pass this legislation, the other body left out the provision to require a passenger list from foreign carriers; and in today's paper, it looks like those in the other body are trying to correct that deficiency.

The gentleman from Texas talked about cockpit doors and air marshals. The President has already ordered that. That is under way; it is in all of the pieces of legislation. In fact, the cockpit doors, Secretary Mineta told me, in all major aircraft will be in by November 7 and air marshals are being put in place every day.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Ohio (Mrs. JONES).

(Mrs. JONES of Ohio asked and was given permission to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Chairman, I would like to thank the gentleman from Minnesota (Mr. OBERSTAR) and his colleague for offering the Senate bill. I rise in support of it.

Unlike some of my colleagues, I have overseen more than 300 employees and many of them were law enforcement officers. Unlike many of my colleagues, my father worked for the airlines, my sister works for the airlines, my niece works for the airlines, my brother-in-law works for the airlines; and this bill is very important to my family and the American public.

I rise because I believe that airline security must be an honorable position, just like police officers, just like fire marshals, just like everyone else who does a law enforcement job. Let us elevate them to the level of honor that they deserve so that the American people will believe that their safety is covered. Let us elevate them to the position of a Federal employee doing a law enforcement job with law enforcement equipment and honored by this Nation's public.

Mr. Chairman, I rise in support of the legislation.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Chairman, I thank the gentleman for yielding this time to me.

I want to use this time to point out one area of the Senate bill which will soon be offered as a substitute which I feel to be somewhat incredible, and I would doubt that the Members on the other side are really, really aware of its inclusions. One of the provisions in that bill requires that the screener will

have to have been a national of the United States as defined in section 101(22) of the Immigration and Nationality Act contained in U.S.C. 1101(a)(22) for a minimum of 5 consecutive years.

Now, I would ask, has anybody looked up that section to see exactly what that provides?

Mr. Chairman, that provides that in many instances that a citizen is defined as a national in that section, that we may be setting up a system of second-class citizens. This is clearly wrong. It is nowhere in the United States Code, and it should not be tolerated by this House.

#### ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would remind Members in regard to references to the other body that the Chair previous admonitions are still valid.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself the remaining time.

I hope people are listening to what the gentleman from Florida (Mr. SHAW) had to say. We are setting up an unconstitutional thing of two-tiered citizenry. I hope we understand what that does. It means one can be a citizen, but one cannot work unless they have been a citizen for 5 years. They have already gone through the process and held up their hand, but they cannot work under that bill.

Mr. Chairman, I urge the passage of my bill. It is appropriate. It is the right thing to do. It makes the original bill, the base bill, better. It is a bill that, as I say, should be passed.

Mr. Chairman, I yield back the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield myself the remaining time.

In response to the last commentary about the provision referring to citizenship, there are two types of nationals: citizens of the United States who are both citizens and nationals, and nationals of American Samoa and Swains Island, who owe an allegiance to the United States. The term "national" does not encompass aliens. It is intended to be broad to encompass those I have just mentioned.

Now, our substitute, which the gentleman from Iowa (Mr. GANSKE) and I offered on a bipartisan basis, has been characterized as being disruptive, creates a disruptive transition. But the maximum disruptive transition is right here in the manager's substitute providing that any private security firm be owned and controlled by a citizen of the United States to the extent the President determines that their firm is owned and controlled by such citizens. That is going to create a huge disruption of having to terminate all the contracts that now exist, because they are controlled by a foreign company.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Alaska (Mr. YOUNG).

The question was taken; and the Chairman announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. OBERSTAR. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 223, noes 202, not voting 7, as follows:

[Roll No. 421]

## AYES—223

Aderholt	Green (WI)	Peterson (PA)
Akin	Greenwood	Petri
Armey	Grucci	Pickering
Bachus	Gutknecht	Pitts
Baker	Hall (TX)	Platts
Barr	Hansen	Pombo
Bartlett	Harman	Portman
Barton	Hart	Pryce (OH)
Bass	Hastings (WA)	Putnam
Bereuter	Hayes	Quinn
Biggert	Hayworth	Radanovich
Bilirakis	Hefley	Regula
Blunt	Herger	Rehberg
Boehler	Hilleary	Reynolds
Boehner	Hobson	Riley
Bonilla	Hoekstra	Rogers (KY)
Bono	Horn	Rogers (MI)
Brady (TX)	Hostettler	Rohrabacher
Brown (SC)	Houghton	Ros-Lehtinen
Bryant	Hulshof	Roukema
Burr	Hunter	Royce
Burton	Hyde	Ryan (WI)
Buyer	Inslee	Ryun (KS)
Callahan	Isakson	Saxton
Calvert	Issa	Schaffer
Camp	Istook	Schrock
Cannon	Jenkins	Sensenbrenner
Cantor	John	Sessions
Capito	Johnson (CT)	Shadegg
Castle	Johnson (IL)	Shaw
Chabot	Johnson, Sam	Shays
Chambliss	Jones (NC)	Sherwood
Coble	Keller	Shimkus
Collins	Kelly	Shuster
Combest	Kennedy (MN)	Simmons
Cooksey	Kerns	Simpson
Cox	King (NY)	Skeen
Cramer	Kingston	Smith (MI)
Crane	Kirk	Smith (NJ)
Crenshaw	Knollenberg	Smith (TX)
Culberson	Kolbe	Souder
Cunningham	LaHood	Stearns
Davis, Jo Ann	Largent	Stump
Davis, Tom	Larsen (WA)	Sununu
Deal	Latham	Sweeney
DeLay	LaTourette	Tancredo
DeMint	Lewis (CA)	Tauzin
Diaz-Balart	Lewis (KY)	Taylor (MS)
Dicks	Linder	Taylor (NC)
Doolittle	LoBiondo	Terry
Dreier	Lucas (KY)	Thomas
Duncan	Lucas (OK)	Thornberry
Ehlers	Manzullo	Thune
Ehrlich	McCrery	Tiahrt
Emerson	McHugh	Tiberi
English	McInnis	Toomey
Everett	McKeon	Traficant
Ferguson	Mica	Upton
Fletcher	Miller, Dan	Vitter
Foley	Miller, Gary	Walden
Forbes	Miller, Jeff	Walsh
Fossella	Moran (KS)	Wamp
Frelinghuysen	Myrick	Watkins (OK)
Gallegly	Nethercutt	Watts (OK)
Gekas	Ney	Weldon (FL)
Gibbons	Northup	Weldon (PA)
Gilchrest	Norwood	Weller
Gillmor	Nussle	Whitfield
Gilman	Ortiz	Wicker
Goode	Osborne	Wilson
Goodlatte	Ose	Wolf
Goss	Otter	Young (AK)
Graham	Oxley	Young (FL)
Granger	Pence	
Graves	Peterson (MN)	

## NOES—202

Abercrombie	Becerra	Boucher
Ackerman	Bentsen	Boyd
Allen	Berman	Brady (PA)
Andrews	Berry	Brown (FL)
Baca	Bishop	Brown (OH)
Baird	Blagojevich	Capps
Baldacci	Blumenauer	Capuano
Baldwin	Bonior	Cardin
Barcia	Borski	Carson (IN)
Barrett	Boswell	Carson (OK)

Clay	Kanjorski	Pastor
Clayton	Kaptur	Paul
Clement	Kennedy (RI)	Payne
Clyburn	Kildee	Pelosi
Condit	Kilpatrick	Phelps
Conyers	Kind (WI)	Pomeroy
Costello	Klecka	Price (NC)
Coyne	Kucinich	Rahall
Crowley	LaFalce	Ramstad
Cummings	Lampson	Rangel
Davis (CA)	Langevin	Reyes
Davis (FL)	Lantos	Rivers
Davis (IL)	Larson (CT)	Rodriguez
DeFazio	Leach	Roemer
DeGette	Lee	Ross
Delahunt	Levin	Rothman
DeLauro	Lewis (GA)	Roybal-Allard
Deutsch	Lipinski	Rush
Dingell	Lofgren	Sabo
Doggett	Lowe	Sanchez
Dooley	Luther	Sanders
Doyle	Lynch	Sandlin
Edwards	Maloney (CT)	Sawyer
Engel	Maloney (NY)	Schakowsky
Eshoo	Markey	Schiff
Etheridge	Mascara	Scott
Evans	Matheson	Serrano
Farr	Matsui	Sherman
Filner	McCarthy (MO)	Shows
Flake	McCarthy (NY)	Skelton
Ford	McCollum	Slaughter
Frank	McDermott	Smith (WA)
Frost	McGovern	Snyder
Ganske	McIntyre	Solis
Gephardt	McKinney	Spratt
Gonzalez	McNulty	Stark
Gordon	Meehan	Stenholm
Green (TX)	Meek (FL)	Strickland
Gutierrez	Meeks (NY)	Stupak
Hall (OH)	Menendez	Tanner
Hastings (FL)	Millender-	Tauscher
Hill	McDonald	Thompson (CA)
Hilliard	Miller, George	Thurman
Hinchey	Mink	Tierney
Hinojosa	Mollohan	Towns
Hoeffel	Moore	Turner
Holden	Moran (VA)	Udall (CO)
Holt	Morella	Udall (NM)
Honda	Murtha	Velazquez
Hooley	Nadler	Visclosky
Hoyer	Napolitano	Waters
Israel	Neal	Watson (CA)
Jackson (IL)	Oberstar	Waxman
Jackson-Lee	Obey	Weiner
(TX)	Olver	Wexler
Jefferson	Owens	Woolsey
Johnson, E. B.	Pallone	Wu
Jones (OH)	Pascarella	Wynn

## NOT VOTING—7

Ballenger	Dunn	Watt (NC)
Berkley	Fattah	
Cubin	Thompson (MS)	

□ 1746

Mr. TAYLOR of Mississippi and Ms. HARMAN changed their votes from “no” to “aye.”

Mr. ISRAEL changed his vote from “aye” to “no.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. BALLENGER. Mr. Chairman, on rollcall No. 421, I am not recorded. Had I been present, I would have voted “aye.”

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 107-264.

AMENDMENT NO. 2 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN: The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute printed in House Report No. 107-264 offered by Mr. OBERSTAR of Minnesota:

Strike all after the enacting clause and insert the following:

## SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Aviation Security Act”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

## TITLE I—AVIATION SECURITY

Sec. 101. Findings.

Sec. 102. Transportation security function.

Sec. 103. Aviation Security Coordination Council.

Sec. 104. Improved flight deck integrity measures.

Sec. 105. Deployment of Federal air marshals.

Sec. 106. Improved airport perimeter access security.

Sec. 107. Enhanced anti-hijacking training for flight crews.

Sec. 108. Passenger and property screening.

Sec. 109. Training and employment of security screening personnel.

Sec. 110. Research and development.

Sec. 111. Flight school security.

Sec. 112. Report to Congress on security.

Sec. 113. General aviation and air charters.

Sec. 114. Increased penalties for interference with security personnel.

Sec. 115. Security-related study by FAA.

Sec. 116. Air transportation arrangements in certain States.

Sec. 117. Airline computer reservation systems.

Sec. 118. Security funding.

Sec. 119. Increased funding flexibility for aviation security.

Sec. 120. Authorization of funds for reimbursement of airports for security mandates.

Sec. 121. Encouraging airline employees to report suspicious activities.

Sec. 122. Less-than-lethal weaponry for flight deck crews.

Sec. 123. Mail and freight waivers.

Sec. 124. Safety and security of on-board supplies.

Sec. 125. Flight deck security

Sec. 126. Amendments to airmen registry authority.

Sec. 127. Results-based management.

Sec. 128. Use of facilities.

Sec. 129. Report on national air space restrictions put in place after terrorist attacks that remain in place.

Sec. 130. Voluntary provision of emergency services during commercial flights.

Sec. 131. Enhanced security for aircraft.

Sec. 132. Implementation of certain detection technologies.

Sec. 133. Report on new responsibilities of the Department of Justice for aviation security.

Sec. 134. Definitions.

## TITLE II—DEPLOYMENT AND USE OF SECURITY TECHNOLOGIES

Subtitle A—Expanded Deployment and Utilization of Current Security Technologies and Procedures

Sec. 201. Expanded deployment and utilization of current security technologies and procedures.

Subtitle B—Short-Term Assessment and Deployment of Emerging Security Technologies and Procedures

Sec. 211. Short-term assessment and deployment of emerging security technologies and procedures.

Subtitle C—Research and Development of Aviation Security Technology

Sec. 221. Research and development of aviation security technology.

## TITLE I—AVIATION SECURITY

## SEC. 101. FINDINGS.

The Congress finds the following:

(1) The safety and security of the civil air transportation system is critical to the United States' security and its national defense.

(2) A safe and secure United States civil air transportation system is essential to the basic freedom of Americans to move in intrastate, interstate, and international transportation.

(3) The terrorist hijackings and crashes of passenger aircraft on September 11, 2001, converting civil aircraft into guided bombs for strikes against civilian and military targets requires the United States to change fundamentally the way it approaches the task of ensuring the safety and security of the civil air transportation system.

(4) The existing fragmentation of responsibility for that safety and security among government agencies and between government and nongovernment entities is inefficient and unacceptable in light of the hijackings and crashes on September 11, 2001.

(5) The General Accounting Office has recommended that security functions and security personnel at United States airports should become a Federal government responsibility.

(6) Although the number of Federal air marshals is classified, their presence on both international and domestic flights would have a deterrent effect on hijacking and would further bolster public confidence in the safety of air travel.

(7) The effectiveness of existing security measures, including employee background checks and passenger pre-screening, is impaired because of the inaccessibility of, or the failure to share information among, data bases maintained by different Federal and international agencies for criminal behavior or pertinent intelligence information.

## SEC. 102. TRANSPORTATION SECURITY FUNCTION.

(a) IN GENERAL.—Section 102 of title 49, United States Code, is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g); and

(2) by inserting after subsection (c) the following:

“(d) DEPUTY SECRETARY FOR TRANSPORTATION SECURITY.—

“(1) IN GENERAL.—The Department has a Deputy Secretary for Transportation Security, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Secretary for Transportation Security shall carry out duties and powers prescribed by the Secretary relating to security for all modes of transportation.

“(2) AVIATION-RELATED DUTIES.—The Deputy Secretary—

“(A) shall coordinate and direct, as appropriate, the functions and responsibilities of the Secretary of Transportation and the Administrator of the Federal Aviation Administration under chapter 449;

“(B) shall work in conjunction with the Administrator of the Federal Aviation Administration with respect to any actions or activities that may affect aviation safety or air carrier operations; and

“(C) shall actively cooperate and coordinate with the Attorney General, the Secretary of Defense, and the heads of other appropriate Federal agencies and departments with responsibilities for national security and criminal justice enforcement activities that are related to aviation security through the Aviation Security Coordination Council.

“(3) NATIONAL EMERGENCY RESPONSIBILITIES.—Subject to the direction and control of the Secretary, the Deputy Secretary shall have the following responsibilities:

“(A) To coordinate domestic transportation during a national emergency, including aviation, rail, and other surface transportation, and maritime transportation (including port security).

“(B) To coordinate and oversee during a national emergency the transportation-related responsibilities of other departments and agencies of the Federal Government other than the Department of Defense and the military departments.

“(C) To establish uniform national standards and practices for transportation during a national emergency.

“(D) To coordinate and provide notice to other departments and agencies of the Federal Government, and appropriate agencies of State and local governments, including departments and agencies for transportation, law enforcement, and border control, about threats to transportation during a national emergency.

“(E) To carry out such other duties, and exercise such other powers, relating to transportation during a national emergency as the Secretary of Transportation shall prescribe.

“(4) RELATIONSHIP TO OTHER TRANSPORTATION AUTHORITY.—The authority of the Deputy Secretary under paragraph (3) to coordinate and oversee transportation and transportation-related responsibilities during a national emergency shall not supersede the authority of any other department or agency of the Federal Government under law with respect to transportation or transportation-related matters, whether or not during a national emergency.

“(5) ANNUAL REPORT.—The Deputy Secretary shall submit to the Congress on an annual basis a report on the activities of the Deputy Secretary under paragraph (3) during the preceding year.

“(6) NATIONAL EMERGENCY.—The Secretary of Transportation shall prescribe the circumstances constituting a national emergency for purposes of paragraph (3).”

(b) ATTORNEY GENERAL RESPONSIBILITIES.—The Attorney General of the United States—

(1) is responsible for day-to-day Federal security screening operations for passenger air transportation or intrastate air transportation under sections 44901 and 44935 of title 49, United States Code;

(2) shall work in conjunction with the Administrator of the Federal Aviation Administration with respect to any actions or activities that may affect aviation safety or air carrier operations;

(3) is responsible for hiring and training personnel to provide security screening at all United States airports involved in passenger air transportation or intrastate air transportation, in consultation with the Secretary of Transportation, the Secretary of Defense, and the heads of other appropriate Federal agencies and departments; and

(4) shall actively cooperate and coordinate with the Secretary of Transportation, the Secretary of Defense, and the heads of other appropriate Federal agencies and departments with responsibilities for national security and criminal justice enforcement activities that are related to aviation security through the Aviation Security Coordination Council.

(c) REVIEW AND DEVELOPMENT OF WAYS TO STRENGTHEN SECURITY.—Section 44932(c) of title 49, United States Code, is amended—

(1) by striking “x-ray” in paragraph (4);

(2) by striking “and” at the end of paragraph (4);

(3) by striking “passengers.” in paragraph (5) and inserting “passengers;”;

(4) by adding at the end the following:

“(6) to strengthen and enhance the ability to detect nonexplosive weapons, such as biological, chemical, or similar substances; and

“(7) to evaluate such additional measures as may be appropriate to enhance physical inspection of passengers, luggage, and cargo.”

(d) TRANSITION.—Until the Deputy Secretary for Transportation Security takes office, the functions of the Deputy Secretary that relate to aviation security shall be carried out by the Assistant Administrator for Civil Aviation Security of the Federal Aviation Administration.

## SEC. 103. AVIATION SECURITY COORDINATION COUNCIL.

(a) IN GENERAL.—Section 44911 of title 49, United States Code, is amended by adding at the end the following:

“(f) AVIATION SECURITY COORDINATION COUNCIL.—

“(1) IN GENERAL.—There is established an Aviation Security Coordination Council.

“(2) FUNCTION.—The Council shall work with the intelligence community to coordinate intelligence, security, and criminal enforcement activities affecting the safety and security of aviation at all United States airports and air navigation facilities involved in air transportation or intrastate air transportation.

“(3) CHAIR.—The Council shall be chaired by the Secretary of Transportation or the Secretary's designee.

“(4) MEMBERSHIP.—The members of the Council are:

“(A) The Secretary of Transportation, or the Secretary's designee.

“(B) The Attorney General, or the Attorney General's designee.

“(C) The Secretary of Defense, or the Secretary's designee.

“(D) The Secretary of the Treasury, or the Secretary's designee.

“(E) The Director of the Central Intelligence Agency, or the Director's designee.

“(F) The head, or an officer or employee designated by the head, of any other Federal agency the participation of which is determined by the Secretary of Transportation, in consultation with the Attorney General, to be appropriate.

“(g) CROSS-CHECKING DATA BASE INFORMATION.—The Secretary of Transportation, acting through the Aviation Security Coordination Council, shall—

“(1) explore the technical feasibility of developing a common database of individuals who may pose a threat to aviation or national security;

“(2) enter into memoranda of understanding with other Federal agencies to share or otherwise cross-check data on such individuals identified on Federal agency data bases, and may utilize other available data bases as necessary; and

“(3) evaluate and assess technologies in development or use at Federal departments, agencies, and instrumentalities that might be useful in improving the safety and security of aviation in the United States.”

(b) POLICIES AND PROCEDURES.—Section 44911(b) of title 49, United States Code, is amended by striking “international”.

(c) STRATEGIC PLANNING.—Section 44911(c) of title 49, United States Code, is amended by striking “consider placing” and inserting “place”.

## SEC. 104. IMPROVED FLIGHT DECK INTEGRITY MEASURES.

(a) IN GENERAL.—As soon as possible after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) issue an order (without regard to the provisions of chapter 5 of title 5, United States Code)—

(A) prohibiting access to the flight deck of aircraft engaged in passenger air transportation or intrastate air transportation except to authorized personnel;



(B) requiring the strengthening of the flight deck door and locks on any such aircraft operating in air transportation or intrastate air transportation that has a rigid door in a bulkhead between the flight deck and the passenger area to ensure that the door cannot be forced open from the passenger compartment;

(C) requiring that such flight deck doors remain locked while any such aircraft is in flight except when necessary to permit the flight deck crew access and egress; and

(D) prohibiting the possession of a key to any such flight deck door by any member of the flight crew who is not assigned to the flight deck; and

(2) take such other action, including modification of safety and security procedures, as may be necessary to ensure the safety and security of the aircraft.

(b) **COMMUTER AIRCRAFT.**—The Administrator shall investigate means of securing, to the greatest feasible extent, the flight deck of aircraft operating in air transportation or intrastate air transportation that do not have a rigid fixed door with a lock between the passenger compartment and the flight deck and issue such an order as the Administrator deems appropriate (without regard to the provisions of chapter 5 of title 5, United States Code) to ensure the inaccessibility, to the greatest extent feasible, of the flight deck while the aircraft is so engaged.

#### **SEC. 105. DEPLOYMENT OF FEDERAL AIR MARSHALS.**

(a) **AIR MARSHALS UNDER ATTORNEY GENERAL GUIDELINES.**—The Attorney General shall prescribe guidelines for the training and deployment of individuals authorized, with the approval of the Attorney General, to carry firearms and make arrests under section 44903(d) of title 49, United States Code. The Secretary of Transportation shall administer the air marshal program under that section in accordance with the guidelines prescribed by the Attorney General.

(b) **DEPLOYMENT.**—Section 44903(d) of title 49, United States Code, is amended—

(1) by inserting “(1)” before “With”;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B); and

(3) by adding at the end the following:

“(2) The Secretary—

“(A) may place Federal air marshals on every scheduled passenger flight in air transportation and intrastate air transportation; and

“(B) shall place them on every such flight determined by the Secretary to present high security risks.

“(3) In making the determination under paragraph (2)(B), nonstop longhaul flights, such as those targeted on September 11, 2001, should be a priority.”

(c) **TRAINING, SUPERVISION, AND FLIGHT ASSIGNMENT.**—Within 30 days after the date of enactment of this Act, the Secretary of Transportation, under the authority of subsections (d) and (e) of section 44903 of title 49, United States Code, shall—

(1) provide for deployment of Federal air marshals on flights in air transportation and intrastate air transportation;

(2) provide for appropriate background and fitness checks for candidates for appointment as Federal air marshals;

(3) provide for appropriate training, supervision, and equipment of Federal air marshals; and

(4) require air carriers to provide seating for Federal air marshals on any flight without regard to the availability of seats on that flight.

(d) **INTERNATIONAL FLIGHTS.**—The Secretary shall work with the International Civil Aviation Organization and with appropriate civil aviation authorities of foreign governments under section 44907 of title 49,

United States Code, to address security concerns on flights by foreign air carriers to and from the United States.

(e) **INTERIM MEASURES.**—The Secretary may, after consultation with the heads of other Federal agencies and departments, use personnel from those agencies and departments to provide air marshal service on domestic and international flights, and may use the authority provided by section 324 of title 49, United States Code, for such purpose.

#### **(f) REPORTS.**—

(1) **IN GENERAL.**—The Attorney General and the Secretary of Transportation shall submit the following reports in classified form, if necessary, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure:

(A) Within 18 months after the date of enactment of this Act, an assessment of the program carried out under section 44903(d) of title 49, United States Code.

(B) Within 120 days after such date, an assessment of the effectiveness of the security screening process for carry-on baggage and checked baggage.

(C) Within 6 months after the date of enactment of this Act, an assessment of the safety and security-related training provided to flight and cabin crews.

(2) **RECOMMENDATIONS.**—The Attorney General and the Secretary may submit, as part of any report under this subsection or separately, any recommendations they may have for improving the effectiveness of the Federal air marshal program or the security screening process.

(g) **COOPERATION WITH OTHER AGENCIES.**—The last sentence of section 106(m) of title 49, United States Code, is amended by striking “supplies and” and inserting “supplies, personnel, services, and”.

(h) **AUTHORITY TO APPOINT RETIRED LAW ENFORCEMENT OFFICERS.**—Notwithstanding any other provision of law, the Secretary of Transportation may appoint an individual who is a retired law enforcement officer or a retired member of the Armed Forces as a Federal air marshal, regardless of age, or an individual discharged or furloughed from a commercial airline cockpit crew position, if the individual otherwise meets the background and fitness qualifications required for Federal air marshals.

#### **SEC. 106. IMPROVED AIRPORT PERIMETER ACCESS SECURITY.**

(a) **IN GENERAL.**—Section 44903 of title 49, United States Code, is amended by adding at the end the following:

“(h) **IMPROVED AIRPORT PERIMETER ACCESS SECURITY.**—

“(1) **IN GENERAL.**—The Secretary of Transportation, in consultation with the airport operator and law enforcement authorities, may order the deployment of such personnel at any secure area of the airport as necessary to counter the risk of criminal violence, the risk of aircraft piracy at the airport, the risk to air carrier aircraft operations at the airport, or to meet national security concerns.

“(2) **SECURITY OF AIRCRAFT AND GROUND ACCESS TO SECURE AREAS.**—In determining where to deploy such personnel, the Secretary shall consider the physical security needs of air traffic control facilities, parked aircraft, aircraft servicing equipment, aircraft supplies (including fuel), automobile parking facilities within airport perimeters or adjacent to secured facilities, and access and transition areas at airports served by other means of ground or water transportation. The Secretary of Transportation, after consultation with the Aviation Security Coordination Council, shall consider whether airport, air carrier personnel, and

other individuals with access to such areas should be screened to prevent individuals who present a risk to aviation security or national security from gaining access to such areas.

“(3) **DEPLOYMENT OF FEDERAL LAW ENFORCEMENT PERSONNEL.**—The Secretary of Transportation may enter into a memorandum of understanding or other agreement with the Attorney General or the head of any other appropriate Federal law enforcement agency to deploy Federal law enforcement personnel at an airport in order to meet aviation safety and security concerns.”

(b) **SMALL AND MEDIUM AIRPORTS.**—The Administrator of the Federal Aviation Administration shall develop a plan to provide technical support to small and medium airports to enhance security operations, including screening operations, and to provide financial assistance to those airports to defray the costs of enhancing security. The Federal Aviation Administration in consultation with the appropriate State or local government law enforcement authorities, shall reexamine the safety requirements for small community airports, to reflect a reasonable level of threat to those individual small community airports, including the parking of passenger vehicles within 300 feet of the airport terminal building with respect to that airport.

(c) **CHEMICAL AND BIOLOGICAL WEAPON DETECTION.**—Section 44903(c)(2)(C) of title 49, United States Code, is amended to read as follows:

“(C) **MAXIMUM USE OF CHEMICAL AND BIOLOGICAL WEAPON DETECTION EQUIPMENT.**—The Secretary of Transportation shall require airports to maximize the use of technology and equipment that is designed to detect potential chemical or biological weapons.”

(d) **IMPROVEMENT OF SECURED-AREA ACCESS CONTROL.**—Section 44903(g)(2) of title 49, United States Code, is amended—

(1) by striking “weaknesses by January 31, 2001;” in subparagraph (A) and inserting “weaknesses;”

(2) by striking subparagraph (D) and inserting the following:

“(D) on an ongoing basis, assess and test for compliance with access control requirements, report annually findings of the assessments, and assess the effectiveness of penalties in ensuring compliance with security procedures and take any other appropriate enforcement actions when noncompliance is found;”

(3) by striking “program by January 31, 2001;” in subparagraph (F) and inserting “program;” and

(4) by striking subparagraph (G) and inserting the following:

“(G) work with airport operators to strengthen access control points in secured areas (including air traffic control operations areas, maintenance areas, crew lounges, baggage handling areas, concessions, and catering delivery areas) to ensure the security of passengers and aircraft and consider the deployment of biometric or similar technologies that identify individuals based on unique personal characteristics.”

(e) **AIRPORT SECURITY PILOT PROGRAM.**—Section 44903(c) of title 49, United States Code, is amended by adding at the end the following:

“(3) The Administrator shall establish pilot programs in no fewer than 20 airports to test and evaluate new and emerging technology for providing access control and other security protections for closed or secure areas of the airports. Such technology may include biometric or other technology that ensures only authorized access to secure areas.”

(f) **AIRPORT SECURITY AWARENESS PROGRAMS.**—The Secretary of Transportation

shall require air carriers and airports involved in air transportation or intrastate air transportation to develop security awareness programs for airport employees, ground crews, and other individuals employed at such airports.

#### SEC. 107. ENHANCED ANTI-HIJACKING TRAINING FOR FLIGHT CREWS.

(a) IN GENERAL.—The Secretary of Transportation shall develop a mandatory air carrier program of training for flight and cabin crews of aircraft providing air transportation or intrastate air transportation in dealing with attempts to commit aircraft piracy (as defined in section 46502(a)(1)(A) of title 49, United States Code). The Secretary shall ensure that the training curriculum is developed in consultation with Federal law enforcement agencies with expertise in terrorism, self-defense, hijacker psychology, and current threat conditions.

(b) NOTIFICATION PROCEDURES.—The Administrator of the Federal Aviation Administration shall revise the procedures by which cabin crews of aircraft can notify flight deck crews of security breaches and other emergencies and implement any new measures as soon as practicable.

#### SEC. 108. PASSENGER AND PROPERTY SCREENING.

(a) IN GENERAL.—Section 44901 of title 49, United States Code, is amended to read as follows:

##### “§ 44901. Screening passengers, individuals with access to secure areas, and property

“(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Transportation, shall provide for the screening of all passengers and property, including United States mail, cargo, carry-on and checked baggage, and other articles, that will be carried aboard an aircraft in air transportation or intrastate air transportation. The screening shall take place before boarding and, except as provided in subsection (c), shall be carried out by a Federal government employee (as defined in section 2105 of title 5, United States Code). The Attorney General, in consultation with the Secretary, shall provide for the screening of all persons, including airport, air carrier, foreign air carrier, and airport concessionaire employees, before they are allowed into sterile or secure areas of the airport, as determined by the Attorney General. The screening of airport, air carrier, foreign air carrier, and airport concessionaire employees, and other nonpassengers with access to secure areas, shall be conducted in the same manner as passenger screenings are conducted, except that the Attorney General may authorize alternative screening procedures for personnel engaged in providing airport or aviation security at an airport. In carrying out this subsection, the Attorney General shall maximize the use of available nonintrusive and other inspection and detection technology that is approved by the Administrator of the Federal Aviation Administration for the purpose of screening passengers, baggage, mail, or cargo.

##### “(b) DEPLOYMENT OF ARMED PERSONNEL.—

“(1) IN GENERAL.—The Attorney General shall order the deployment of law enforcement personnel authorized to carry firearms at each airport security screening location to ensure passenger safety and national security.

“(2) MINIMUM REQUIREMENTS.—Except at airports required to enter into agreements under subsection (c), the Attorney General shall order the deployment of at least 1 law enforcement officer at each airport security screening location. At the 100 largest airports in the United States, in terms of annual passenger enplanements for the most recent calendar year for which data are

available, the Attorney General shall order the deployment of additional law enforcement personnel at airport security screening locations if the Attorney General determines that the additional deployment is necessary to ensure passenger safety and national security.

##### “(c) SECURITY AT SMALL COMMUNITY AIRPORTS.—

“(1) PASSENGER SCREENING.—In carrying out subsection (a) and subsection (b)(1), the Attorney General may require any nonhub airport (as defined in section 41731(a)(4)) or smaller airport with scheduled passenger operations to enter into an agreement under which screening of passengers and property will be carried out by qualified, trained State or local law enforcement personnel if—

“(A) the screening services are equivalent to the screening services that would be carried out by Federal personnel under subsection (a);

“(B) the training and evaluation of individuals conducting the screening or providing security services meets the standards set forth in section 44935 for training and evaluation of Federal personnel conducting screening or providing security services under subsection (a);

“(C) the airport is reimbursed by the United States, using funds made available by the Aviation Security Act, for the costs incurred in providing the required screening, training, and evaluation; and

“(D) the Attorney General has consulted the airport sponsor.

“(2) DETERMINATION OF LIMITED REQUIREMENTS.—The Attorney General, in consultation with the Secretary of Transportation, may prescribe modified aviation security measures for a nonhub airport if the Attorney General determines that specific security measures are not required at a nonhub airport at all hours of airport operation because of—

“(A) the types of aircraft that use the airport;

“(B) seasonal variations in air traffic and types of aircraft that use the airport; or

“(C) other factors that warrant modification of otherwise applicable security requirements.

“(3) ADDITIONAL FEDERAL SECURITY MEASURES.—At any airport required to enter into a reimbursement agreement under paragraph (1), the Attorney General—

“(A) may provide or require additional security measures;

“(B) may conduct random security inspections; and

“(C) may provide assistance to enhance airport security at that airport.

##### “(d) MANUAL PROCESS.—

“(1) IN GENERAL.—The Attorney General shall require a manual process, at explosive detection system screening locations in airports where explosive detection equipment is underutilized, which will augment the Computer Assisted Passenger Prescreening System by randomly selecting additional checked bags for screening so that a minimum number of bags, as prescribed by the Attorney General, are examined.

“(2) LIMITATION ON STATUTORY CONSTRUCTION.—Paragraph (1) shall not be construed to limit the ability of the Attorney General or the Secretary of Transportation to impose additional security measures when a specific threat warrants such additional measures.

“(3) MAXIMUM USE OF EXPLOSIVE DETECTION EQUIPMENT.—In prescribing the minimum number of bags to be examined under paragraph (1), the Attorney General shall seek to maximize the use of the explosive detection equipment.

“(e) FLEXIBILITY OF ARRANGEMENTS.—In carrying out subsections (a), (b), and (c), the Attorney General may use memoranda of un-

derstanding or other agreements with the heads of appropriate Federal law enforcement agencies covering the utilization and deployment of personnel of the Department of Justice or such other agencies.”.

(b) DEPUTIZING OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS.—Section 512 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century is amended—

(1) by striking “purpose of” in subsection (b)(1)(A) and inserting “purposes of (i)”;

(2) by striking “transportation;” in subsection (b)(1)(A) and inserting “transportation, and (ii) regulate the provisions of security screening services under section 44901(c) of title 49, United States Code;”;

(3) by striking “NOT FEDERAL RESPONSIBILITY” in the heading of subsection (b)(3)(b);

(4) by striking “shall not be responsible for providing” in subsection (b)(3)(B) and inserting “may provide”;

(5) by striking “flight.” in subsection (c)(2) and inserting “flight and security screening functions under section 44901(c) of title 49, United States Code.”;

(6) by striking “General” in subsection (e) and inserting “General, in consultation with the Secretary of Transportation,”; and

(7) by striking subsection (f).

(c) TRANSITION.—The Attorney General shall complete the full implementation of section 44901 of title 49, United States Code, as amended by subsection (a), as soon as is practicable but in no event later than 9 months after the date of enactment of this Act. The Attorney General may make or continue such arrangements, including arrangements under the authority of sections 40110 and 40111 of that title, for the screening of passengers and property under that section as the Attorney General determines necessary pending full implementation of that section as so amended.

#### SEC. 109. TRAINING AND EMPLOYMENT OF SECURITY SCREENING PERSONNEL.

(a) IN GENERAL.—Section 44935 of title 49, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (i); and

(2) by striking subsection (e) and inserting the following:

##### “(e) SECURITY SCREENERS.—

“(1) TRAINING PROGRAM.—The Attorney General, in consultation with the Secretary of Transportation, shall establish a program for the hiring and training of security screening personnel.

##### “(2) HIRING.—

“(A) QUALIFICATIONS.—The Attorney General shall establish, within 30 days after the date of enactment of the Aviation Security Act, qualification standards for individuals to be hired by the United States as security screening personnel. Notwithstanding any provision of law to the contrary, those standards shall, at a minimum, require an individual—

“(i) to have a satisfactory or better score on a Federal security screening personnel selection examination;

“(ii) to have been a national of the United States, as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)), for a minimum of 5 consecutive years;

“(iii) to have passed an examination for recent consumption of a controlled substance;

“(iv) to meet, at a minimum, the requirements set forth in subsection (f); and

“(v) to meet such other qualifications as the Attorney General may establish.

“(B) BACKGROUND CHECKS.—The Attorney General shall require that an individual to be hired as a security screener undergo an employment investigation (including a criminal history record check) under section 44936(a)(1).

“(C) DISQUALIFICATION OF INDIVIDUALS WHO PRESENT NATIONAL SECURITY RISKS.—The Attorney General, in consultation with the heads of other appropriate Federal agencies, shall establish procedures, in addition to any background check conducted under section 44936, to ensure that no individual who presents a threat to national security is employed as a security screener.

“(3) EXAMINATION; REVIEW OF EXISTING RULES.—The Attorney General shall develop a security screening personnel examination for use in determining the qualification of individuals seeking employment as security screening personnel. The Attorney General shall also review, and revise as necessary, any standard, rule, or regulation governing the employment of individuals as security screening personnel.

“(f) EMPLOYMENT STANDARDS FOR SCREENING PERSONNEL.—

“(1) SCREENER REQUIREMENTS.—Notwithstanding any provision of law to the contrary, an individual may not be employed as a security screener unless that individual meets the following requirements:

“(A) The individual shall possess a high school diploma, a General Equivalency Diploma, or experience that the Attorney General has determined to have equipped the individual to perform the duties of the position.

“(B) The individual shall possess basic aptitudes and physical abilities including color perception, visual and aural acuity, physical coordination, and motor skills to the following standards:

“(i) Screeners operating screening equipment shall be able to distinguish on the screening equipment monitor the appropriate imaging standard specified by the Attorney General. Wherever the screening equipment system displays colors, the operator shall be able to perceive each color.

“(ii) Screeners operating any screening equipment shall be able to distinguish each color displayed on every type of screening equipment and explain what each color signifies.

“(iii) Screeners shall be able to hear and respond to the spoken voice and to audible alarms generated by screening equipment in an active checkpoint environment.

“(iv) Screeners performing physical searches or other related operations shall be able to efficiently and thoroughly manipulate and handle such baggage, containers, and other objects subject to security processing.

“(v) Screeners who perform pat-downs or hand-held metal detector searches of individuals shall have sufficient dexterity and capability to thoroughly conduct those procedures over a individual's entire body.

“(C) The individual shall be able to read, speak, and write English well enough to—

“(i) carry out written and oral instructions regarding the proper performance of screening duties;

“(ii) read English language identification media, credentials, airline tickets, and labels on items normally encountered in the screening process;

“(iii) provide direction to and understand and answer questions from English-speaking individuals undergoing screening; and

“(iv) write incident reports and statements and log entries into security records in the English language.

“(D) The individual shall have satisfactorily completed all initial, recurrent, and appropriate specialized training required by the security program, except as provided in paragraph (2).

“(2) EXCEPTIONS.—An individual who has not completed the training required by this section may be employed during the on-the-

job portion of training to perform functions if that individual—

“(A) is closely supervised; and

“(B) does not make independent judgments as to whether individuals or property may enter a sterile area or aircraft without further inspection.

“(3) REMEDIAL TRAINING.—No individual employed as a security screener may perform a screening function after that individual has failed an operational test related to that function until that individual has successfully completed the remedial training specified in the security program.

“(4) ANNUAL PROFICIENCY REVIEW.—The Attorney General shall provide that an annual evaluation of each individual assigned screening duties is conducted and documented. An individual employed as a security screener may not continue to be employed in that capacity unless the evaluation demonstrates that the individual—

“(A) continues to meet all qualifications and standards required to perform a screening function;

“(B) has a satisfactory record of performance and attention to duty based on the standards and requirements in the security program; and

“(C) demonstrates the current knowledge and skills necessary to courteously, vigilantly, and effectively perform screening functions.

“(5) OPERATIONAL TESTING.—In addition to the annual proficiency review conducted under paragraph (4), the Attorney General shall provide for the operational testing of such personnel.

“(g) TRAINING.—

“(1) USE OF OTHER AGENCIES.—The Attorney General shall enter into a memorandum of understanding or other arrangement with any other Federal agency or department with appropriate law enforcement responsibilities, to provide personnel, resources, or other forms of assistance in the training of security screening personnel.

“(2) TRAINING PLAN.—The Attorney General shall, within 60 days after the date of enactment of the Aviation Security Act, develop a plan for the training of security screening personnel. The plan shall, at a minimum, require that before being deployed as a security screener, an individual—

“(A) has completed 40 hours of classroom instruction or successfully completed a program that the Attorney General determines will train individuals to a level of proficiency equivalent to the level that would be achieved by such classroom instruction;

“(B) has completed 60 hours of on-the-job instruction; and

“(C) has successfully completed an on-the-job training examination prescribed by the Attorney General.

“(3) EQUIPMENT-SPECIFIC TRAINING.—An individual employed as a security screener may not use any security screening device or equipment in the scope of that individual's employment unless the individual has been trained on that device or equipment and has successfully completed a test on the use of the device or equipment.

“(h) TECHNOLOGICAL TRAINING.—The Attorney General shall require training to ensure that screeners are proficient in using the most up-to-date new technology and to ensure their proficiency in recognizing new threats and weapons. The Attorney General shall make periodic assessments to determine if there are dual use items and inform security screening personnel of the existence of such items. Current lists of dual use items shall be part of the ongoing training for screeners. For purposes of this subsection, the term ‘dual use’ item means an item that may seem harmless but that may be used as a weapon.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 44936(a)(1)(A) is amended by inserting “as a security screener under section 44935(e) or a position” after “a position”.

(2) Section 44936(b) of title 49, United States Code, is amended—

(A) by inserting “the Attorney General,” after “subsection,” in paragraph (1); and

(B) by striking “An” in paragraph (3) and inserting “The Attorney General, an”.

(3) Section 44936(a)(1)(E) is amended by striking clause (iv).

(c) TRANSITION.—The Attorney General shall complete the full implementation of section 44935 (e), (f), (g), and (h) of title 49, United States Code, as amended by subsection (a), as soon as is practicable. The Attorney General may make or continue such arrangements for the training of security screeners under that section as the Attorney General determines necessary pending full implementation of that section as so amended.

(d) SCREENER PERSONNEL.—Notwithstanding any other provision of law, the Attorney General may employ, appoint, discipline, terminate, and fix the compensation, terms, and conditions of employment of Federal service for such a number of individuals as the Attorney General determines to be necessary to carry out the passenger security screening functions of the Attorney General under section 44901 of title 49, United States Code.

(e) STRIKES PROHIBITED.—An individual employed as a security screener under section 44901 of title 49, United States Code, is prohibited from participating in a strike or asserting the right to strike pursuant to section 7311(3) or 7116(b)(7) of title 5, United States Code.

(f) BACKGROUND CHECKS FOR EXISTING EMPLOYEES.—

(1) IN GENERAL.—Section 44936 of title 49, United States Code, is amended by inserting “is or” before “will” in subsection (a)(1)(B)(i).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) apply with respect to individuals employed on or after the date of enactment of the Aviation Security Act in a position described in subparagraph (A) or (B) of section 44936(a)(1) of title 49, United States Code. The Secretary of Transportation may provide by order for a phased-in implementation of the requirements of section 44936 of that title made applicable to individuals employed in such positions at airports on the date of enactment of this Act.

#### SEC. 110. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Section 44912(b)(1) of title 49, United States Code, is amended—

(1) by striking “complete an intensive review of” and inserting “periodically review”;

(2) by striking “commercial aircraft in service and expected to be in service in the 10-year period beginning on November 16, 1990;” in subparagraph (B) and inserting “aircraft in air transportation;”;

(3) by redesignating subparagraphs (D) through (F) as subparagraphs (E) through (G), respectively, and inserting after subparagraph (C) the following:

“(D) the potential release of chemical, biological, or similar weapons or devices either within an aircraft or within an airport;”.

(b) ADDITIONAL MATTERS REGARDING RESEARCH AND DEVELOPMENT.—

(1) ADDITIONAL PROGRAM REQUIREMENTS.—Subsection (a) of section 44912 of title 49, United States Code, is amended—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

“(4)(A) In carrying out the program established under this subsection, the Administrator shall designate an individual to be responsible for engineering, research, and development with respect to security technology under the program.

“(B) The individual designated under subparagraph (A) shall use appropriate systems engineering and risk management models in making decisions regarding the allocation of funds for engineering, research, and development with respect to security technology under the program.

“(C) The individual designated under subparagraph (A) shall, on an annual basis, submit to the Research, Engineering and Development Advisory Committee a report on activities under this paragraph during the preceding year. Each report shall include, for the year covered by such report, information on—

“(i) progress made in engineering, research, and development with respect to security technology;

“(ii) the allocation of funds for engineering, research, and development with respect to security technology; and

“(iii) engineering, research, and development with respect to any technologies drawn from other agencies, including the rationale for engineering, research, and development with respect to such technologies.”.

(2) REVIEW OF THREATS.—Subsection (b)(1) of that section is amended—

(A) by redesignating subparagraphs (A) through (F) as subparagraphs (B) through (G), respectively; and

(B) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

“(A) a comprehensive systems analysis (employing vulnerability analysis, threat attribute definition, and technology roadmaps) of the civil aviation system, including—

“(i) the destruction, commandeering, or diversion of civil aircraft or the use of civil aircraft as a weapon; and

“(ii) the disruption of civil aviation service, including by cyber attack;”.

(3) SCIENTIFIC ADVISORY PANEL.—Subsection (c) of that section is amended to read as follows:

“(c) SCIENTIFIC ADVISORY PANEL.—(1) The Administrator shall establish a scientific advisory panel, as a subcommittee of the Research, Engineering, and Development Advisory Committee, to review, comment on, advise the progress of, and recommend modifications in, the program established under subsection (a) of this section, including the need for long-range research programs to detect and prevent catastrophic damage to commercial aircraft, commercial aviation facilities, commercial aviation personnel and passengers, and other components of the commercial aviation system by the next generation of terrorist weapons.

“(2)(A) The advisory panel shall consist of individuals who have scientific and technical expertise in—

“(i) the development and testing of effective explosive detection systems;

“(ii) aircraft structure and experimentation to decide on the type and minimum weights of explosives that an effective explosive detection technology must be capable of detecting;

“(iii) technologies involved in minimizing airframe damage to aircraft from explosives; and

“(iv) other scientific and technical areas the Administrator considers appropriate.

“(B) In appointing individuals to the advisory panel, the Administrator should consider individuals from academia and the national laboratories, as appropriate.

“(3) The Administrator shall organize the advisory panel into teams capable of under-

taking the review of policies and technologies upon request.

“(4) Not later than 90 days after the date of the enactment of the Aviation Security Act, and every two years thereafter, the Administrator shall review the composition of the advisory panel in order to ensure that the expertise of the individuals on the panel is suited to the current and anticipated duties of the panel.”.

(c) COORDINATION WITH ATTORNEY GENERAL.—Section 44912(b) of title 49, United States Code, is amended by adding at the end the following:

“(3) Beginning on the date of enactment of the Aviation Security Act, the Administrator shall conduct all research related to screening technology and procedures in conjunction with the Attorney General.”.

#### SEC. 111. FLIGHT SCHOOL SECURITY.

(a) PROHIBITION.—Chapter 449 of title 49, United States Code, is amended by adding at the end the following new section:

##### “§ 44939. Training to operate jet-propelled aircraft

“(a) PROHIBITION.—No person subject to regulation under this part may provide training in the operation of any jet-propelled aircraft to any alien (or other individual specified by the Secretary of Transportation under this section) within the United States unless the Attorney General issues to that person a certification of the completion of a background investigation of the alien or other individual under subsection (b).

“(b) INVESTIGATION.—

“(1) REQUEST.—Upon the joint request of a person subject to regulation under this part and an alien (or individual specified by the Secretary) for the purposes of this section, the Attorney General shall—

“(A) carry out a background investigation of the alien or individual within 30 days after the Attorney General receives the request; and

“(B) upon completing the investigation, issue a certification of the completion of the investigation to the person.

“(2) SCOPE.—A background investigation of an alien or individual under this subsection shall consist of the following:

“(A) A determination of whether there is a record of a criminal history for the alien or individual and, if so, a review of the record.

“(B) A determination of the status of the alien under the immigration laws of the United States.

“(C) A determination of whether the alien or individual presents a national security risk to the United States.

“(3) RECURRENT TRAINING.—The Attorney General shall develop expedited procedures for requests that relate to recurrent training of an alien or other individual for whom a certification has previously been issued under paragraph (1).

“(c) SANCTIONS.—A person who violates subsection (a) shall be subject to administrative sanctions that the Secretary of Transportation shall prescribe in regulations. The sanctions may include suspension and revocation of licenses and certificates issued under this part.

“(d) COVERED TRAINING.—For the purposes of subsection (a), training includes in-flight training, training in a simulator, and any other form or aspect of training.

“(e) REPORTING REQUIREMENT.—Each person subject to regulation under this part that provides training in the operation of any jet-propelled aircraft shall report to the Secretary of Transportation, at such time and in such manner as the Secretary may prescribe, the name, address, and such other information as the Secretary may require concerning—

“(1) each alien to whom such training is provided; and

“(2) every other individual to whom such training is provided as the Secretary may require.

“(f) ALIEN DEFINED.—In this section, the term ‘alien’ has the meaning given the term in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“44939. Training to operate jet-propelled aircraft.”.

(c) INTERNATIONAL COOPERATION.—The Secretary of Transportation, in consultation with the Secretary of State, shall work with the International Civil Aviation Organization and the civil aviation authorities of other countries to improve international aviation security through screening programs for flight instruction candidates.

#### SEC. 112. REPORT TO CONGRESS ON SECURITY.

Within 60 days after the date of enactment of this Act, the Attorney General and the Secretary of Transportation shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure containing their joint recommendations on additional measures for the Federal Government to address transportation security functions.

#### SEC. 113. GENERAL AVIATION AND AIR CHARTERS.

The Secretary of Transportation shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 3 months after the date of enactment of this Act a report on how to improve security with respect to general aviation and air charter operations in the United States.

#### SEC. 114. INCREASED PENALTIES FOR INTERFERENCE WITH SECURITY PERSONNEL.

(a) IN GENERAL.—Chapter 465 of title 49, United States Code, is amended by inserting after section 46502 the following:

##### “§ 46503. Interference with security screening personnel

“An individual in an area within a commercial service airport in the United States who, by assaulting or intimidating a Federal, airport, or air carrier employee who has security duties within the airport, interferes with the performance of the duties of the employee or lessens the ability of the employee to perform those duties, shall be fined under title 18, imprisoned for not more than 10 years, or both. If the individual used a dangerous weapon in committing the assault, intimidation, or interference, the individual may be imprisoned for any term of years or life imprisonment.”.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 465 of such title is amended by inserting after the item relating to section 46502 the following:

“46503. Interference with security screening personnel”.

#### SEC. 115. SECURITY-RELATED STUDY BY FAA.

Within 120 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report setting forth the Administrator's findings and recommendations on the following aviation security-related issues:

(1) A requirement that individuals employed at an airport with scheduled passenger service, and law enforcement personnel at such an airport, be screened via

electronic identity verification or, until such verification is possible, have their identity verified by visual inspection.

(2) The installation of switches in the cabin for use by cabin crew to notify the flight crew discreetly that there is a security breach in the cabin.

(3) A requirement that air carriers and airports revalidate all employee identification cards using hologram stickers, through card re-issuance, or through electronic revalidation.

(4) The updating of the common strategy used by the Administration, law enforcement agencies, air carriers, and flight crews during hijackings to include measures to deal with suicidal hijackers and other extremely dangerous events not currently dealt with by the strategy.

(5) The use of technology that will permit enhanced instant communications and information between airborne passenger aircraft and appropriate individuals or facilities on the ground.

#### **SEC. 116. AIR TRANSPORTATION ARRANGEMENTS IN CERTAIN STATES.**

(a) IN GENERAL.—Notwithstanding any provision of section 41309(a) of title 49, United States Code, to the contrary, air carriers providing air transportation on flights which both originate and terminate at points within the same State may file an agreement, request, modification, or cancellation of an agreement within the scope of that section with the Secretary of Transportation upon a declaration by the Governor of the State that such agreement, request, modification, or cancellation is necessary to ensure the continuing availability of such air transportation within that State.

(b) APPROVAL OF SECRETARY.—The Secretary may approve any such agreement, request, modification, or cancellation and grant an exemption under section 41308(c) of title 49, United States Code, to the extent necessary to effectuate such agreement, request, modification, or cancellation, without regard to the provisions of section 41309(b) or (c) of that title.

(c) PUBLIC INTEREST REQUIREMENT.—The Secretary may approve such an agreement, request, modification, or cancellation if the Secretary determines that—

(1) the State to which it relates has extraordinary air transportation needs and concerns; and

(2) approval is in the public interest.

(d) TERMINATION.—An approval under subsection (b) and an exemption under section 41308(c) of title 49, United States Code, granted under subsection (b) shall terminate on the earlier of the 2 following dates:

(1) A date established by the Secretary in the Secretary's discretion.

(2) October 1, 2002.

(e) EXTENSION.—Notwithstanding subsection (d), if the Secretary determines that it is in the public interest, the Secretary may extend the termination date under subsection (d)(2) until a date no later than October 1, 2003.

#### **SEC. 117. AIRLINE COMPUTER RESERVATION SYSTEMS.**

(a) IN GENERAL.—In order to ensure that all airline computer reservation systems maintained by United States air carriers are secure from unauthorized access by persons seeking information on reservations, passenger manifests, or other non-public information, the Secretary of Transportation shall require all such air carriers to utilize to the maximum extent practicable the best technology available to secure their computer reservation system against such unauthorized access.

(b) REPORT.—The Secretary shall transmit an annual report to the Senate Committee

on Commerce, Science, and Transportation and to the House of Representatives Committee on Transportation and Infrastructure on compliance by United States air carriers with the requirements of subsection (a).

#### **SEC. 118. SECURITY FUNDING.**

(a) USER FEE FOR SECURITY SERVICES.—

(1) IN GENERAL.—Chapter 481 is amended by adding at the end thereof the following:

##### **“§ 48114. User fee for security services charge**

“(a) IN GENERAL.—The Secretary of Transportation shall collect a user fee from air carriers. Amounts collected under this section shall be treated as offsetting collections to offset annual appropriations for the costs of providing aviation security services.

“(b) AMOUNT OF FEE.—Air carriers shall remit \$2.50 for each passenger enplanement.

“(c) USE OF FEES.—A fee collected under this section shall be used solely for the costs associated with providing aviation security services and may be used only to the extent provided in advance in an appropriation law.”.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 481 is amended by adding at the end thereof the following:

“48114. User fee for security services”.

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to transportation beginning after the date which is 180 days after the date of enactment of this Act.

(b) SPECIFIC AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Part C of subtitle VII of title 49, United States Code, is amended by adding at the end the following:

##### **“CHAPTER 483. AVIATION SECURITY FUNDING.**

“Sec.

“48301. Aviation security funding

##### **“§ 48301. Aviation security funding**

“There are authorized to be appropriated for fiscal years 2002, 2003, and 2004, such sums as may be necessary to carry out chapter 449 and related aviation security activities under this title.”.

(2) CONFORMING AMENDMENT.—The subtitle analysis for subtitle VII of title 49, United States Code, is amended by inserting after the item relating to chapter 482 the following:

“483. Aviation Security Funding ..... 48301”.

#### **SEC. 119. INCREASED FUNDING FLEXIBILITY FOR AVIATION SECURITY.**

(a) LIMITED USE OF AIRPORT IMPROVEMENT PROGRAM FUNDS.—

(1) BLANKET AUTHORITY.—Notwithstanding any provision of law to the contrary, including any provision of chapter 471 of title 49, United States Code, or any rule, regulation, or agreement thereunder, for fiscal year 2002 the Administrator of the Federal Aviation Administration may permit an airport operator to use amounts made available under that chapter to defray additional direct security-related expenses imposed by law or rule after September 11, 2001, for which funds are not otherwise specifically appropriated or made available under this or any other Act.

(2) AIRPORT DEVELOPMENT FUNDS.—Section 47102(3) of title 49, United States Code, is amended by adding at the end the following:

“(J) after September 11, 2001, and before October 1, 2002, for fiscal year 2002, additional operational requirements, improvement of facilities, purchase and deployment of equipment, hiring, training, and providing appropriate personnel, or an airport or any aviation operator at an airport, that the Secretary determines will enhance and ensure the security of passengers and other persons involved in air travel.”.

(3) ALLOWABLE COSTS.—Section 47110(b)(2) of title 49, United States Code, is amended—

(A) by striking “or” in subparagraph (B);

(B) by inserting “or” after “executed,” in subparagraph (C); and

(C) by adding at the end the following:

“(D) if the cost is incurred after September 11, 2001, for a project described in section 47102(3)(J), and shall not depend upon the date of execution of a grant agreement made under this subchapter.”.

(4) DISCRETIONARY GRANTS.—Section 47115 of title 49, United States Code, is amended by adding at the end the following:

“(i) CONSIDERATIONS FOR PROJECT UNDER EXPANDED SECURITY ELIGIBILITY.—In order to assure that funding under this subchapter is provided to the greatest needs, the Secretary, in selecting a project described in section 47102(3)(J) for a grant, shall consider the nonfederal resources available to sponsor, the use of such nonfederal resources, and the degree to which the sponsor is providing increased funding for the project.”.

(5) FEDERAL SHARE.—Section 47109(a) of title 49, United States Code, is amended—

(A) by striking “and” in paragraph (3);

(B) by striking “47134.” in paragraph (4) and inserting “47134; and”; and

(C) by adding at the end the following:

“(5) for fiscal year 2002, 100 percent for a project described in section 47102(3)(J).”.

(b) APPORTIONED FUNDS.—For the purpose of carrying out section 47114 of title 49, United States Code, for fiscal year 2003, the Secretary shall use, in lieu of passenger boardings at an airport during the prior calendar year, the greater of—

(1) the number of passenger boardings at that airport during 2000; or

(2) the number of passenger boardings at that airport during 2001.

(c) EXPEDITED PROCESSING OF SECURITY-RELATED PFC REQUESTS.—The Administrator of the Federal Aviation Administration shall, to the extent feasible, expedite the processing and approval of passenger facility fee requests under subchapter I of chapter 471 of title 49, United States Code, for projects described in section 47192(3)(J) of title 49, United States Code.

#### **SEC. 120. AUTHORIZATION OF FUNDS FOR REIMBURSEMENT OF AIRPORTS FOR SECURITY MANDATES.**

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary for fiscal year 2002 to compensate airport operators for eligible security costs.

(b) REIMBURSABLE COSTS.—The Secretary may reimburse an airport operator (from amounts made available for obligation under subsection (a)) for the direct costs incurred by the airport operator in complying with new, additional, or revised security requirements imposed on airport operators by the Federal Aviation Administration on or after September 11, 2001.

(c) DOCUMENTATION OF COSTS; AUDIT.—The Secretary may not reimburse an airport operator under this section for any cost for which the airport operator does not demonstrate to the satisfaction of the Secretary, using sworn financial statements or other appropriate data, that—

(1) the cost is eligible for reimbursement under subsection (b); and

(2) the cost was incurred by the airport operator.

The Inspector General of the Department of Transportation and the Comptroller General of the United States may audit such statements and may request any other information that necessary to conduct such an audit.

(d) CLAIM PROCEDURE.—Within 30 days after the date of enactment of this Act, the Secretary, after consultation with airport

operators, shall publish in the Federal Register the procedures for filing claims for reimbursement under this section of eligible costs incurred by airport operators.

**SEC. 121. ENCOURAGING AIRLINE EMPLOYEES TO REPORT SUSPICIOUS ACTIVITIES.**

(a) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, is amended by inserting at the end the following:

**“§ 44940. Immunity for reporting suspicious activities**

“(a) IN GENERAL.—Any air carrier or foreign air carrier or any employee of an air carrier or foreign air carrier who makes a voluntary disclosure of any suspicious transaction relevant to a possible violation of law or regulation, relating to air piracy, a threat to aircraft or passenger safety, or terrorism, as defined by section 3077 of title 18, United States Code, to any employee or agent of the Department of Transportation, the Department of Justice, any Federal, State, or local law enforcement officer, or any airport or airline security officer shall not be civilly liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, for such disclosure.

“(b) APPLICATION.—Subsection (a) shall not apply to—

“(1) any disclosure made with actual knowledge that the disclosure was false, inaccurate, or misleading; or

“(2) any disclosure made with reckless disregard as to the truth or falsity of that disclosure.

**“§ 44941. Sharing security risk information**

“The Attorney General, in consultation with the Deputy Secretary for Transportation Security and the Director of the Federal Bureau of Investigation, shall establish procedures for notifying the Administrator of the Federal Aviation Administration, and airport or airline security officers, of the identity of persons known or suspected by the Attorney General to pose a risk of air piracy or terrorism or a threat to airline or passenger safety.”.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Attorney General shall report to the Senate Committee on Commerce, Science, and Transportation, the House Committee on Transportation and Infrastructure, and the Judiciary Committees of the Senate and the House of Representatives on the implementation of the procedures required under section 44941 of title 49, United States Code, as added by this section.

(c) CHAPTER ANALYSIS.—The chapter analysis for chapter 449 of title 49, United States Code, is amended by inserting at the end the following:

“44940. Immunity for reporting suspicious activities.

“44941. Sharing security risk information.”.

**SEC. 122. LESS-THAN-LETHAL WEAPONRY FOR FLIGHT DECK CREWS.**

(a) NATIONAL INSTITUTE OF JUSTICE STUDY.—The National Institute of Justice shall assess the range of less-than-lethal weaponry available for use by a flight deck crewmember temporarily to incapacitate an individual who presents a clear and present danger to the safety of the aircraft, its passengers, or individuals on the ground and report its findings and recommendations to the Secretary of Transportation within 90 days after the date of enactment of this Act.

Section 44903 of title 49, United States Code, is amended by adding at the end the following:

“(h) AUTHORITY TO ARM FLIGHT DECK CREW WITH LESS-THAN-LETHAL WEAPONS.—

“(1) IN GENERAL.—If the Secretary, after receiving the recommendations of the Na-

tional Institute of Justice, determines, with the approval of the Attorney General and the Secretary of State, that it is appropriate and necessary and would effectively serve the public interest in avoiding air piracy, the Secretary may authorize members of the flight deck crew on any aircraft providing air transportation or intrastate air transportation to carry a less-than-lethal weapon while the aircraft is engaged in providing such transportation.

“(2) USAGE.—If the Secretary grants authority under paragraph (1) for flight deck crew members to carry a less-than-lethal weapon while engaged in providing air transportation or intrastate air transportation, the Secretary shall—

“(A) prescribe rules requiring that any such crew member be trained in the proper use of the weapon; and

“(B) prescribe guidelines setting forth the circumstances under which such weapons may be used.”.

**SEC. 123. MAIL AND FREIGHT WAIVERS.**

During a national emergency affecting air transportation or intrastate air transportation, the Secretary of Transportation, after consultation with the Aviation Security Coordination Council, may grant a complete or partial waiver of any restrictions on the carriage by aircraft of freight, mail, emergency medical supplies, personnel, or patients on aircraft, imposed by the Department of Transportation (or other Federal agency or department) that would permit such carriage of freight, mail, emergency medical supplies, personnel, or patients on flights, to, from, or within States with extraordinary air transportation needs or concerns if the Secretary determines that the waiver is in the public interest, taking into consideration the isolation of and dependence on air transportation of such States. The Secretary may impose reasonable limitations on any such waivers.

**SEC. 124. SAFETY AND SECURITY OF ON-BOARD SUPPLIES.**

(a) IN GENERAL.—The Secretary of Transportation shall establish procedures to ensure the safety and integrity of all supplies, including catering and passenger amenities, placed aboard aircraft providing passenger air transportation or intrastate air transportation.

(b) MEASURES.—In carrying out subsection (a), the Secretary may require—

(1) security procedures for suppliers and their facilities;

(2) the sealing of supplies to ensure easy visual detection of tampering; and

(3) the screening of personnel, vehicles, and supplies entering secured areas of the airport or used in servicing aircraft.

**SEC. 125. FLIGHT DECK SECURITY**

(a) SHORT TITLE.—This section may be cited as the “Flight Deck Security Act of 2001”.

(b) FINDINGS.—Congress makes the following findings:

(1) On September 11, 2001, terrorists hijacked four civilian aircraft, crashing two of the aircraft into the towers of the World Trade Center in New York, New York, and a third into the Pentagon outside Washington, District of Columbia.

(2) Thousands of innocent Americans and citizens of other countries were killed or injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders.

(3) These attacks destroyed both towers of the World Trade Center, as well as adjacent buildings, and seriously damaged the Pentagon.

(4) These attacks were by far the deadliest terrorist attacks ever launched against the

United States and, by targeting symbols of America, clearly were intended to intimidate our Nation and weaken its resolve.

(5) Armed pilots, co-pilots, and flight engineers with proper training will be the last line of defense against terrorist by providing cockpit security and aircraft security.

(6) Secured doors separating the flight deck from the passenger cabin have been effective in deterring hijackings in other nations and will serve as a deterrent to future contemplated acts of terrorism in the United States.

(c) AVIATION SAFETY AND THE SUPPRESSION OF TERRORISM BY COMMERCIAL AIRCRAFT.—

(1) POSSESSION OF FIREARMS ON COMMERCIAL FLIGHTS.—The Federal Aviation Administration (FAA) is authorized to permit a pilot, co-pilot, or flight engineer of a commercial aircraft who has successfully completed the requirements of paragraph (2), or who is not otherwise prohibited by law from possessing a firearm, from possessing or carrying a firearm approved by the FAA for the protection of the aircraft under procedures or regulations as necessary to ensure the safety and integrity of flight.

(2) FEDERAL PILOT OFFICERS.—(A) In addition to the protections provided by paragraph (1), the FAA shall also establish a voluntary program to train and supervise commercial airline pilots.

(B) Under the program, the FAA shall make available appropriate training and supervision for all such pilots, which may include training by private entities.

(C) The power granted to such persons shall be limited to enforcing Federal law in the cockpit of commercial aircraft and, under reasonable circumstances the passenger compartment to protect the integrity of the commercial aircraft and the lives of the passengers.

(D) The FAA shall make available appropriate training to any qualified pilot who requests such training pursuant to this title.

(E) The FAA may prescribe regulations for purposes of this section.

(d) REPORTS TO CONGRESS.—Not later than six months after the date of the enactment of this Act, and every six months thereafter, the Secretary of Transportation shall submit to Congress a report on the effectiveness of the requirements in this section in facilitating commercial aviation safety and the suppression of terrorism by commercial aircraft.

**SEC. 126. AMENDMENTS TO AIRMEN REGISTRY AUTHORITY.**

Section 44703(g) of title 49, United States Code, is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking “pilots” and inserting “airmen”; and

(B) by striking the period and inserting “and related to combating acts of terrorism.”; and

(2) by adding at the end, the following new paragraphs:

“(3) For purposes of this section, the term ‘acts of terrorism’ means an activity that involves a violent act or an act dangerous to human life that is a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State, and appears to be intended to intimidate or coerce a civilian population to influence the policy of a government by intimidation or coercion or to affect the conduct of a government by assassination or kidnapping.

“(4) The Administrator is authorized and directed to work with State and local authorities, and other Federal agencies, to assist in the identification of individuals applying for or holding airmen certificates.”.



**SEC. 127. RESULTS-BASED MANAGEMENT.**

Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

**“§ 44942. Performance Goals and Objectives**

“(a) SHORT TERM TRANSITION.—

“(1) IN GENERAL.—Within 60 days of enactment, the Deputy Secretary for Transportation Security shall, in consultation with Congress—

“(A) establish acceptable levels of performance for aviation security, including screening operations and access control, and

“(B) provide Congress with an action plan, containing measurable goals and milestones, that outlines how those levels of performance will be achieved.

“(2) BASICS OF ACTION PLAN.—The action plan shall clarify the responsibilities of the Department of Transportation, the Federal Aviation Administration and any other agency or organization that may have a role in ensuring the safety and security of the civil air transportation system.

“(b) LONG-TERM RESULTS-BASED MANAGEMENT.—

“(1) PERFORMANCE PLAN AND REPORT.—

“(A) PERFORMANCE PLAN.—(i) Each year, consistent with the requirements of the Government Performance and Results Act of 1993 (GPRA), the Secretary and the Deputy Secretary for Transportation Security shall agree on a performance plan for the succeeding 5 years that establishes measurable goals and objectives for aviation security. The plan shall identify action steps necessary to achieve such goals.

“(ii) In addition to meeting the requirements of GPRA, the performance plan shall clarify the responsibilities of the Secretary, the Deputy Secretary for Transportation Security and any other agency or organization that may have a role in ensuring the safety and security of the civil air transportation system.

“(iii) The performance plan shall be available to the public. The Deputy Secretary for Transportation Security may prepare a non-public appendix covering performance goals and indicators that, if revealed to the public, would likely impede achievement of those goals and indicators.

“(B) PERFORMANCE REPORT.—(i) Each year, consistent with the requirements of GPRA, the Deputy Secretary for Transportation Security shall prepare and submit to Congress an annual report including an evaluation of the extent goals and objectives were met. The report shall include the results achieved during the year relative to the goals established in the performance plan.

“(ii) The performance report shall be available to the public. The Deputy Secretary for Transportation Security may prepare a non-public appendix covering performance goals and indicators that, if revealed to the public, would likely impede achievement of those goals and indicators.

**“§ 44943. Performance Management System**

“(a) ESTABLISHING A FAIR AND EQUITABLE SYSTEM FOR MEASURING STAFF PERFORMANCE.—The Deputy Secretary for Transportation Security shall establish a performance management system which strengthens the organization's effectiveness by providing for the establishment of goals and objectives for managers, employees, and organizational performance consistent with the performance plan.

“(b) ESTABLISHING MANAGEMENT ACCOUNTABILITY FOR MEETING PERFORMANCE GOALS.—(1) Each year, the Secretary and Deputy Secretary for Transportation Security shall enter into an annual performance agreement that shall set forth organizational and individual performance goals for the Deputy Secretary.

“(2) Each year, the Deputy Secretary for Transportation Security and each senior manager who reports to the Deputy Secretary for Transportation Security shall enter into an annual performance agreement that sets forth organization and individual goals for those managers. All other employees hired under the authority of the Deputy Secretary for Transportation Security shall enter into an annual performance agreement that sets forth organization and individual goals for those employees.

“(c) COMPENSATION FOR THE DEPUTY SECRETARY FOR TRANSPORTATION SECURITY.—

“(1) IN GENERAL.—The Deputy Secretary for Transportation Security is authorized to be paid at an annual rate of pay payable to level II of the Executive Schedule.

“(2) BONUSES OR OTHER INCENTIVES.—In addition, the Deputy Secretary for Transportation Security may receive bonuses or other incentives, based upon the Secretary's evaluation of the Deputy Secretary's performance in relation to the goals set forth in the agreement. Total compensation cannot exceed the Secretary's salary.

“(d) COMPENSATION FOR MANAGERS AND OTHER EMPLOYEES.—

“(1) IN GENERAL.—A senior manager reporting directly to the Deputy Secretary for Transportation Security may be paid at an annual rate of basic pay of not more than the maximum rate of basic pay for the Senior Executive Service under section 5382 of title 5, United States Code.

“(2) BONUSES OR OTHER INCENTIVES.—In addition, senior managers can receive bonuses or other incentives based on the Deputy Secretary for Transportation Security's evaluation of their performance in relation to goals in agreements. Total compensation cannot exceed 125 percent of the maximum rate of base pay for the Senior Executive Service. Further, the Deputy Secretary for Transportation Security shall establish, within the performance management system, a program allowing for the payment of bonuses or other incentives to other managers and employees. Such a program shall provide for bonuses or other incentives based on their performance.

“(e) PERFORMANCE-BASED SERVICE CONTRACTING.—To the extent contracts, if any, are used to implement the Aviation Security Act, the Deputy Secretary for Transportation Security shall, to the extent practical, maximize the use of performance-based service contracts. These contracts should be consistent with guidelines published by the Office of Federal Procurement Policy.”.

**SEC. 128. USE OF FACILITIES.**

(a) EMPLOYMENT REGISTER.—Notwithstanding any other provision of law, the Secretary of Transportation shall establish and maintain an employment register.

(b) TRAINING FACILITY.—The Secretary of Transportation may, where feasible, use the existing Federal Aviation Administration's training facilities, to design, develop, or conduct training of security screening personnel.

**SEC. 129. REPORT ON NATIONAL AIR SPACE RESTRICTIONS PUT IN PLACE AFTER TERRORIST ATTACKS THAT REMAIN IN PLACE.**

(a) REPORT.—Within 30 days of the enactment of this Act, the President shall submit to the committees of Congress specified in subsection (b) a report containing—

(1) a description of each restriction, if any, on the use of national airspace put in place as a result of the September 11, 2001, terrorist attacks that remains in place as of the date of the enactment of this Act; and

(2) a justification for such restriction remaining in place.

(b) COMMITTEES OF CONGRESS.—The committees of Congress specified in this subsection are the following:

(1) The Select Committee on Intelligence of the Senate.

(2) The Permanent Select Committee on Intelligence of the House of Representatives.

(3) The Committee on Commerce, Science, and Transportation of the Senate.

(4) The Committee on Transportation and Infrastructure of the House of Representatives.

**SEC. 130. VOLUNTARY PROVISION OF EMERGENCY SERVICES DURING COMMERCIAL FLIGHTS.**

(a) PROGRAM FOR PROVISION OF VOLUNTARY SERVICES.—

(1) PROGRAM.—The Secretary of Transportation shall carry out a program to permit qualified law enforcement officers, firefighters, and emergency medical technicians to provide emergency services on commercial air flights during emergencies.

(2) REQUIREMENTS.—The Secretary shall establish such requirements for qualifications of providers of voluntary services under the program under paragraph (1), including training requirements, as the Secretary considers appropriate.

(3) CONFIDENTIALITY OF REGISTRY.—If as part of the program under paragraph (1) the Secretary requires or permits registration of law enforcement officers, firefighters, or emergency medical technicians who are willing to provide emergency services on commercial flights during emergencies, the Secretary shall take appropriate actions to ensure that the registry is available only to appropriate airline personnel and otherwise remains confidential.

(4) CONSULTATION.—The Secretary shall consult with appropriate representatives of the commercial airline industry, and organizations representing community-based law enforcement, firefighters, and emergency medical technicians, in carrying out the program under paragraph (1), including the actions taken under paragraph (3).

(b) PROTECTION FROM LIABILITY.—

(1) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following new section:

**“§ 44944. Exemption of volunteers from liability**

“(a) IN GENERAL.—An individual shall not be liable for damages in any action brought in a Federal or State court that arises from an act or omission of the individual in providing or attempting to provide assistance in the case of an inflight emergency in an aircraft of an air carrier if the individual meets such qualifications as the Secretary shall prescribe for purposes of this section.

“(b) EXCEPTION.—The exemption under subsection (a) shall not apply in any case in which an individual provides, or attempts to provide, assistance described in that paragraph in a manner that constitutes gross negligence or willful misconduct.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“44944. Exemption of volunteers from liability.”.

(c) CONSTRUCTION REGARDING POSSESSION OF FIREARMS.—Nothing in this section may be construed to require any modification of regulations of the Department of Transportation governing the possession of firearms while in aircraft or air transportation facilities or to authorize the possession of a firearm in an aircraft or any such facility not authorized under those regulations.

**SEC. 131. ENHANCED SECURITY FOR AIRCRAFT.**

(a) SECURITY FOR LARGER AIRCRAFT.—

(1) PROGRAM REQUIRED.—Not later than 90 days after the date of the enactment of this

Act, the Administrator of the Federal Aviation Administration shall commence implementation of a program to provide security screening for all aircraft operations conducted with respect to any aircraft having a maximum certified takeoff weight of more than 12,500 pounds that is not operating as of the date of the implementation of the program under security procedures prescribed by the Administrator.

(2) **WAIVER.**—

(A) **AUTHORITY TO WAIVE.**—The Administrator may waive the applicability of the program under this section with respect to any aircraft or class of aircraft otherwise described by this section if the Administrator determines that aircraft described in this section can be operated safely without the applicability of the program to such aircraft or class of aircraft, as the case may be.

(B) **LIMITATIONS.**—A waiver under subparagraph (A) may not go into effect—

(i) unless approved by the Secretary of Transportation; and

(ii) until 10 days after the date on which notice of the waiver has been submitted to the appropriate committees of Congress.

(3) **PROGRAM ELEMENTS.**—The program under paragraph (1) shall require the following:

(A) The search of any aircraft covered by the program before takeoff.

(B) The screening of all crew members, passengers, and other persons boarding any aircraft covered by the program, and their property to be brought on board such aircraft, before boarding.

(4) **PROCEDURES FOR SEARCHES AND SCREENING.**—The Administrator shall develop procedures for searches and screenings under the program under paragraph (1). Such procedures may not be implemented until approved by the Secretary.

(b) **SECURITY FOR SMALLER AIRCRAFT.**—

(1) **PROGRAM REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Administrator shall commence implementation of a program to provide security for all aircraft operations conducted with respect to any aircraft having a maximum certified takeoff weight of 12,500 pounds or less that is not operating as of the date of the implementation of the program under security procedures prescribed by the Administrator. The program shall address security with respect to crew members, passengers, baggage handlers, maintenance workers, and other individuals with access to aircraft covered by the program, and to baggage.

(2) **REPORT ON PROGRAM.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report containing a proposal for the program to be implemented under paragraph (1).

(c) **BACKGROUND CHECKS FOR ALIENS ENGAGED IN CERTAIN TRANSACTIONS REGARDING AIRCRAFT.**—

(1) **REQUIREMENT.**—Notwithstanding any other provision of law and subject to paragraph (2), no person or entity may sell, lease, or charter any aircraft to an alien, or any other individual specified by the Secretary for purposes of this subsection, within the United States unless the Attorney General issues a certification of the completion of a background investigation of the alien, or other individual, as the case may be, that meets the requirements of section 44939(b) of title 49, United States Code, as added by section 111 of this title.

(2) **EXPIRATION.**—The prohibition in paragraph (1) shall expire as follows:

(A) In the case of an aircraft having a maximum certified takeoff weight of more than 12,500 pounds, upon implementation of the program required by subsection (a).

(B) In the case of an aircraft having a maximum certified takeoff weight of 12,500 pounds or less, upon implementation of the program required by subsection (b).

(3) **ALIEN DEFINED.**—In this subsection, the term “alien” has the meaning given that term in section 44939(f) of title 49, United States Code, as so added.

(d) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Commerce of the House of Representatives.

**SEC. 132. IMPLEMENTATION OF CERTAIN DETECTION TECHNOLOGIES.**

(a) **IN GENERAL.**—Not later than September 30, 2002, the Assistant Administrator for Civil Aviation Security shall review and make a determination on the feasibility of implementing technologies described in subsection (b).

(b) **TECHNOLOGIES DESCRIBED.**—The technologies described in this subsection are technologies that are—

(1) designed to protect passengers, aviation employees, air cargo, airport facilities, and airplanes; and

(2) material specific and able to automatically and non-intrusively detect, without human interpretation and without regard to shape or method of concealment, explosives, illegal narcotics, hazardous chemical agents, and nuclear devices.

**SEC. 133. REPORT ON NEW RESPONSIBILITIES OF THE DEPARTMENT OF JUSTICE FOR AVIATION SECURITY.**

Not later than 120 days after the date of enactment of this Act, the Attorney General shall report to the House Committee on the Judiciary, the Senate Committee on the Judiciary, the House Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation on the new responsibilities of the Department of Justice for aviation security under this title.

**SEC. 134. DEFINITIONS.**

Except as otherwise explicitly provided, any term used in this title that is defined in section 40102 of title 49, United States Code, has the meaning given that term in that section.

**TITLE II—DEPLOYMENT AND USE OF SECURITY TECHNOLOGIES**

**Subtitle A—Expanded Deployment and Utilization of Current Security Technologies and Procedures**

**SEC. 201. EXPANDED DEPLOYMENT AND UTILIZATION OF CURRENT SECURITY TECHNOLOGIES AND PROCEDURES.**

(a) **IN GENERAL.**—The Administrator of the Federal Aviation Administration shall require that employment investigations, including criminal history record checks, for all individuals described in section 44936(a)(1) of title 49, United States Code, who are existing employees, at airports regularly serving an air carrier holding a certificate issued by the Secretary of Transportation, should be completed within 9 months unless such individuals have had such investigations and checks within 5 years of the date of enactment of this Act. The Administrator shall devise an alternative method for background checks for a person applying for any airport security position who has lived in the United States less than 5 years and shall have such alternative background check in place as soon as possible. The Administrator shall work with the International Civil Aviation Organization and with appropriate authorities of foreign governments in devising such alternative method.

(b) **EXPLOSIVE DETECTION.**—

(1) **IN GENERAL.**—The Administrator of the Federal Aviation Administration shall de-

ploy and oversee the usage of existing bulk explosives detection technology already at airports for checked baggage. Not later than 60 days after the date of enactment of this Act, the Administrator shall establish confidential goals for—

(A) deploying by a specific date all existing bulk explosives detection scanners purchased but not yet deployed by the Federal Aviation Administration;

(B) a specific percentage of checked baggage to be scanned by bulk explosives detection machines within 6 months, and annual goals thereafter with an eventual goal of scanning 100 percent of checked baggage; and

(C) the number of new bulk explosives detection machines that will be purchased by the Federal Aviation Administration for deployment at the Federal Aviation Administration-identified midsized airports within 6 months.

(2) **USE OF FUNDS.**—For purposes of carrying out this subtitle, airport operators may use funds available under the Airport Improvement Program described in chapter 471 of title 49, United States Code, to reconfigure airport baggage handling areas to accommodate the equipment described in paragraph (1), if necessary. Not later than 12 months after the date of enactment of this Act, and annually thereafter, the Administrator shall report, on a confidential basis, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, the Government Accounting Office, and the Inspector General of the Department of Transportation, regarding the goals and progress the Administration is making in achieving those goals described in paragraph (1).

(3) **AIRPORT DEVELOPMENT.**—Section 47102(3)(B) of title 49, United States Code, is amended—

(A) by striking “and” at the end of clause (viii);

(B) by striking the period at the end of clause (ix) and inserting “; and”; and

(C) by inserting after clause (ix) the following new clause:

“(x) replacement of baggage conveyor systems, and reconfiguration of terminal luggage areas, that the Secretary determines are necessary to install bulk explosive detection devices.”

(c) **BAG MATCHING SYSTEM.**—The Administrator of the Federal Aviation Administration shall require air carriers to improve the passenger bag matching system. Not later than 60 days after the date of enactment of this Act, the Administrator shall establish goals for upgrading the Passenger Bag Matching System, including interim measures to match a higher percentage of bags until Explosives Detection Systems are used to scan 100 percent of checked baggage. The Administrator shall report, on a confidential basis, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, the Government Accounting Office, and the Inspector General of the Department of Transportation, regarding the goals and the progress made in achieving those goals within 12 months after the date of enactment of this Act.

(d) **COMPUTER-ASSISTED PASSENGER PRESCREENING.**—

(1) **IN GENERAL.**—The Administrator of the Federal Aviation Administration shall require air carriers to expand the application of the current Computer-Assisted Passenger Prescreening System (CAPPS) to all passengers, regardless of baggage. Passengers selected under this system shall be subject to additional security measures, including

checks of carry-on baggage and person, before boarding.

(2) **REPORT.**—The Administrator shall report back to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives within 3 months of the date of enactment of this Act on the implementation of the expanded CAPPS system.

**Subtitle B—Short-Term Assessment and Deployment of Emerging Security Technologies and Procedures**

**SEC. 211. SHORT-TERM ASSESSMENT AND DEPLOYMENT OF EMERGING SECURITY TECHNOLOGIES AND PROCEDURES.**

Section 44903 of title 49, United States Code, is amended by adding at the end the following:

“(1) **SHORT-TERM ASSESSMENT AND DEPLOYMENT OF EMERGING SECURITY TECHNOLOGIES AND PROCEDURES.**—

“(1) **IN GENERAL.**—The Deputy Secretary for Transportation Security shall recommend to airport operators, within 6 months after the date of enactment of this Act, commercially available measures or procedures to prevent access to secure airport areas by unauthorized persons. As part of the 6-month assessment, the Deputy Secretary for Transportation Security shall—

“(A) review the effectiveness of biometrics systems currently in use at several United States airports, including San Francisco International;

“(B) review the effectiveness of increased surveillance at access points;

“(C) review the effectiveness of card- or keypad-based access systems;

“(D) review the effectiveness of airport emergency exit systems and determine whether those that lead to secure areas of the airport should be monitored or how breaches can be swiftly responded to; and

“(E) specifically target the elimination of the ‘piggy-backing’ phenomenon, where another person follows an authorized person through the access point.

The 6-month assessment shall include a 12-month deployment strategy for currently available technology at all category X airports, as defined in the Federal Aviation Administration approved air carrier security programs required under part 108 of title 14, Code of Federal Regulations. Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall conduct a review of reductions in unauthorized access at these airports.

“(2) **90-DAY REVIEW.**—

“(A) **IN GENERAL.**—The Deputy Secretary for Transportation Security, as part of the Aviation Security Coordination Council, shall conduct a 90-day review of—

“(i) currently available or short-term deployable upgrades to the Computer-Assisted Passenger Prescreening System (CAPPS); and

“(ii) deployable upgrades to the coordinated distribution of information regarding persons listed on the ‘watch list’ for any Federal law enforcement agencies who could present an aviation security threat.

“(B) **DEPLOYMENT OF UPGRADES.**—The Deputy Secretary for Transportation Security shall commence deployment of recommended short-term upgrades to CAPPS and to the coordinated distribution of ‘watch list’ information within 6 months after the date of enactment of this Act. Within 18 months after the date of enactment of this Act, the Deputy Secretary for Transportation Security shall report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives, the Government Account-

ing Office, and the Inspector General of the Department of Transportation, on progress being made in deploying recommended upgrades.

“(3) **STUDY.**—The Deputy Secretary for Transportation Security shall conduct a study of options for improving positive identification of passengers at check-in counters and boarding areas, including the use of biometrics and ‘smart’ cards. Within 6 months after the date of enactment of this Act, the Deputy Secretary shall report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives on the feasibility and costs of implementing each identification method and a schedule for requiring air carriers to deploy identification methods determined to be effective.”

**Subtitle C—Research and Development of Aviation Security Technology**

**SEC. 221. RESEARCH AND DEVELOPMENT OF AVIATION SECURITY TECHNOLOGY.**

(a) **FUNDING.**—To augment the programs authorized in section 44912(a)(1) of title 49, United States Code, there is authorized to be appropriated an additional \$50,000,000 for each of fiscal years 2002 through 2006 and such sums as are necessary for each fiscal year thereafter to the Federal Aviation Administration, for research, development, testing, and evaluation of the following technologies which may enhance aviation security in the future. Grants to industry, academia, and Government entities to carry out the provisions of this section shall be available for fiscal years 2002 and 2003 for—

(1) the acceleration of research, development, testing, and evaluation of explosives detection technology for checked baggage, specifically, technology that is—

(A) more cost-effective for deployment for explosives detection in checked baggage at small- to medium-sized airports, and is currently under development as part of the Argus research program at the Federal Aviation Administration;

(B) faster, to facilitate screening of all checked baggage at larger airports; or

(C) more accurate, to reduce the number of false positives requiring additional security measures;

(2) acceleration of research, development, testing, and evaluation of new screening technology for carry-on items to provide more effective means of detecting and identifying weapons, explosives, and components of weapons of mass destruction, including advanced x-ray technology;

(3) acceleration of research, development, testing, and evaluation of threat screening technology for other categories of items being loaded onto aircraft, including cargo, catering, and duty-free items;

(4) acceleration of research, development, testing, and evaluation of threats carried on persons boarding aircraft or entering secure areas, including detection of weapons, explosives, and components of weapons of mass destruction;

(5) acceleration of research, development, testing and evaluation of integrated systems of airport security enhancement, including quantitative methods of assessing security factors at airports selected for testing such systems;

(6) expansion of the existing program of research, development, testing, and evaluation of improved methods of education, training, and testing of key airport security personnel; and

(7) acceleration of research, development, testing, and evaluation of aircraft hardening materials, and techniques to reduce the vulnerability of aircraft to terrorist attack.

(b) **GRANTS.**—Grants awarded under this subtitle shall identify potential outcomes of

the research, and propose a method for quantitatively assessing effective increases in security upon completion of the research program. At the conclusion of each grant, the grant recipient shall submit a final report to the Federal Aviation Administration that shall include sufficient information to permit the Administrator to prepare a cost-benefit analysis of potential improvements to airport security based upon deployment of the proposed technology. The Administrator shall begin awarding grants under this subtitle within 90 days of the date of enactment of this Act.

(c) **BUDGET SUBMISSION.**—A budget submission and detailed strategy for deploying the identified security upgrades recommended upon completion of the grants awarded under subsection (b), shall be submitted to Congress as part of the Department of Transportation’s annual budget submission.

(d) **DEFENSE RESEARCH.**—There is authorized to be appropriated \$20,000,000 to the Federal Aviation Administration to issue research grants in conjunction with the Defense Advanced Research Projects Agency. Grants may be awarded under this section for—

(1) research and development of longer-term improvements to airport security, including advanced weapons detection;

(2) secure networking and sharing of threat information between Federal agencies, law enforcement entities, and other appropriate parties;

(3) advances in biometrics for identification and threat assessment; or

(4) other technologies for preventing acts of terrorism in aviation.

The CHAIRMAN. Pursuant to House Resolution 274, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, I yield myself 30 seconds.

I would like to express my great appreciation and admiration to the Chair for the even-handed manner in which the Chair has conducted the debates, keeping Members aware of the proper decorum and proper procedure. The Chair has endeavored to maintain order.

The Chamber now is assuming a spirit very much akin to that which prevails in most of the airports across this country, a hushed atmosphere, a feeling of apprehension, feeling of uncertainty as passengers move through the airport to the gate. We now move with some sense of apprehension of where the future of aviation lies. Within the hour we will decide.

Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Chairman, the Republican leadership thinks they can dress up the people who work for these private companies in fancy uniforms and put badges on them and that will make people think they are federalized. They think they can change the name of the bill and put federalization in the title and that fixes its flaws.

Listen to what USA Today said, and I quote: “House GOP leaders insist on

protecting failed screening firms." That is the bottom line.

We have Federal officers at our national borders. We have Federal officers protecting the President. We have Federal officers protecting us here in the Capitol, and that is the right way to do it.

The most important role of the Federal Government is to protect its people; but the Republican leadership is saying we need Federal officers to protect us here in Washington, but the flying public can have their security sold off to the lowest bidder, and that is outrageous.

The American public deserves the same quality of protection we receive; and I keep hearing these complaints about unionization and government employees, and personally I am sick of it. Who do my colleagues think risked their lives on September 11? Firefighters; police officers, first responders; pilots; flight attendants; government workers, many; union workers, almost all. They were heroes. Heroes. Shame on anyone who says that union workers or government workers cannot be trusted.

I will tell my colleagues who cannot be trusted: the companies who will cut every corner to save a dime so they can come in with the lowest bid.

We need to regain the confidence of the flying public, and there is only one way to do that: get rid of the system we have today, get profit motives out, put safety incentives in, and federalize our airport security. It is what we Democrats propose in the substitute. It is what the American people are demanding. It is what they deserve so we never, ever again have a tragedy like September 11.

The CHAIRMAN. Does the gentleman from Florida (Mr. MICA) seek the time in opposition?

Mr. MICA. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Florida is recognized for 30 minutes.

Mr. MICA. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. DIAZ-BALART).

Mr. DIAZ-BALART. Mr. Chairman, I ask my colleagues to reject the Democrat leadership bill, among other reasons because it discriminates against American citizens who are naturalized if they have not been citizens of the United States for 5 years. It creates a category of second-class American citizens, and we should not be creating second-class citizens in this body. We should reject that bill.

They try to do it surreptitiously. They try to hide their discrimination, but it is discrimination nonetheless. If we go to page 29 of their bill, they do not call it citizen. They say one has to be a national of the United States. Then they go to a section of the law, 8 U.S.C. 1101(a)(22), for at least 5 years. Let us go to that law. A person has to either be a citizen of the United States, or they have to be a person who, though not a citizen, owes permanent allegiance.

What does that mean? I quote from the case that defined that statute: "Status as a national of the United States owing permanent allegiance can be created only by legislative or other action of the Federal Government that is not acquired by mere assertion of allegiance."

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So citizenship for 5 years, surreptitiously brought before this House, is what that law does, and they want us to create a second class citizenship tier in this country. Do not discriminate against citizens by nationalization. Reject the Democrat leadership bill and let us get on and vote for a decent piece of legislation this evening.

Mr. OBERSTAR. Mr. Chairman, I yield myself 10 seconds.

My colleagues cannot have it both ways. First our bipartisan bill was criticized because it did not deal with citizenship. Now it is too restrictive on citizenship. In fact, nationals covers citizens of the United States, or citizens and nationals, and nationals of American Samoa and Swains Island under the law.

Mr. Chairman, I yield such time as he may consume to the gentleman from Rhode Island (Mr. KENNEDY).

(Mr. KENNEDY of Rhode Island asked and was given permission to revise and extend his remarks.)

Mr. KENNEDY of Rhode Island. Mr. Chairman, I rise to associate myself with the remarks of the gentleman from Minnesota (Mr. OBERSTAR).

I am proud to rise today in support of the Oberstar substitute to the Aviation Security Bill and urge all of my colleagues to support this sensible amendment.

A everyone in this chamber knows, three weeks ago, the other body passed sensible bill to strengthen airline security by unanimous vote. It is our turn in the House of Representatives to do the same.

The horrific events of September 11th changed our world forever. Today we have a chance to address the aviation security issues that were so tragically brought to our attention that day. We cannot wait any longer to act.

My colleague from Minnesota has crafted a substitute that will address our most critical aviation needs in a thorough and prudent fashion. It places responsibility for aviation security with the Federal Government so that we have guaranteed that professional law enforcement agents are in charge of securing our airplanes. It strengthens baggage screening, background checks, cockpit security, and flight school training checks, as well as several other important provisions.

I strongly support this substitute, and hope that my colleagues will pass this bill, so that we may expeditiously send it to President's desk.

I urge all my colleagues to support the Oberstar amendment.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Chairman, I thank the distinguished ranking member for yielding me this time, and I rise in strong support of the Oberstar

amendment, which is the same text of the bill the Senate passed unanimously over 3 weeks ago.

It has been some 7 weeks since security at three of our major airports was breached, resulting in the hijacking of four planes and the tragic events that unfolded on September 11. Following the attacks, the Committee on Transportation and Infrastructure worked swiftly, in a bipartisan way, to pass a relief package for airlines, which I supported. But I said then and I believe now that no amount of money will stabilize the aviation industry over the long term unless we restore the confidence of the American flying public, and that means getting security right, and that means today.

Families need to feel safe in order to buy tickets to go see grandma for Thanksgiving and business travelers should feel confident to return to the skies to help our slowing economy. Mr. Chairman, restoring confidence means restructuring our current system to establish a seamless network of security that has national standards and national accountability. This amendment does that, and, if passed, would avoid a conference with the Senate and could be signed into law by the President tomorrow.

Recent polls indicate that, like national security, over 80 percent of the American people believe that airport security should be a function of the Federal Government. The Senate, including 49 Republican Senators, have chosen to put the safety of the American flying public above partisan politics. The House leadership should allow their Members to do the same.

Mr. Chairman, I urge my colleagues to vote "yes" on the Oberstar amendment and send the President this bill tomorrow. The American people are waiting.

Mr. MICA. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Idaho (Mr. SIMPSON), also a member of our Subcommittee on Aviation.

Mr. SIMPSON. Mr. Chairman, it has been said the first casualty of any war is the truth. After listening to some of the rhetoric today on this floor, much of it embarrassingly irresponsible rhetoric, truth truly has been wounded today.

Anyone listening to this debate would think that there are only two options, the Oberstar amendment, which would Federalize the employees and, therefore, we would have a secure airport system; or leaving everything as it existed prior to September 11, as if the underlying bill did nothing to improve security. The fact is the underlying bill improves security.

My colleagues show us statistics about the turnover rate of screeners and about the pay rates of screeners, and so forth, as if that would be the case if we were to use private contractors in appropriate places. I can tell my colleagues that I live next to the

Idaho National Engineering Laboratory, the lead nuclear engineering laboratory in the Nation. Guess what? They have private contractors doing the security there, and they do a fantastic job. I would dare anyone to try to get on the grounds of the National Engineering Laboratory.

Let me tell my colleagues what this bill does not do, what the Oberstar amendment does not do. First of all, it slows down the hiring of new screeners and air marshals. It gives 9 months to hire new screeners and air marshals. The Young-Mica bill makes that happen in 3 months. We need security as quickly as possible, not a year from now, not 9 months from now. Hopefully quicker than 3 months from now, but we do it much quicker in our bill.

Oberstar does not give the Under Secretary authority to expedite rulemaking. It takes an average of 3.8 years to write a rule in the Department of Transportation. How quickly do my colleagues think we will have those rules written in order to improve security at our airports if we do not have expedited rulemaking, which the Oberstar amendment does not have?

Lastly, the Oberstar substitute allows the Attorney General to waive all laws applicable to employees. Not just the civil service laws, the substitute waives the veterans preference, labor laws, worker safety laws, civil rights laws, and worker protection laws. The Young-Mica bill takes a more targeted approach by assuring worker performance without waiving all of the employment laws.

I urge my colleagues to vote against the Oberstar substitute and support the underlying bill.

Mr. OBERSTAR. Mr. Chairman, I yield myself 10 seconds to simply point out the reality of the pending committee language. Not later than 3 months the Under Secretary shall assume civil aviation security and functions with a schedule to be developed by the Secretary of Transportation. It does not say anything that the gentleman referred to.

Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. HOLT).

(Mr. HOLT asked and was given permission to revise and extend his remarks.)

Mr. HOLT. Mr. Chairman, I rise in support of the Oberstar bipartisan substitute.

Mr. Chairman, earlier this year I voted against the airline bailout bill. I voted against it not because I didn't think that we needed to take steps to insure the viability of our airline industry, but because that flawed piece of legislation didn't address the most important concern of all for the airlines—safety. If we want to revitalize the airline industry we have to get people back on the planes. We cannot do this unless we reassure them about the security of the airlines. It is clear that people do not feel safe flying. Just today, we received information that Delta Airlines has lost \$295 million and United has lost \$1.16 billion. If we really want to help out the airline industry, we have

to make sure these losses don't continue. Yet here we are more than 50 days after the events of September 11 and we have just started to discuss the very real concern of aviation security here in the House of Representatives.

To both prevent future attacks, and to restore the public's confidence in flying we must take steps to improve the way security is undertaken at our airports and in our airplanes. We cannot just make suggestions and hope that the same security companies that have committed gross violations of current law do a better job in the future. This is a very real problem and it demands a real solution.

We need to change existing law, and we must take steps to improve cockpit security, to limit access to the cockpit and to strengthen cockpit doors. We need to improve the training of flight crews and pilots to deal with potential hijacking attempts. We need to conduct background checks on all employees with access to secure areas as well as those seeking flying lessons on large aircraft or flight simulators. We need to screen 100 percent of all checked bags at our airports. The technology exists right now to perform this basic task, yet it still isn't being done.

Most importantly, we need to professionalize this industry to make sure the job is done right. The companies responsible for aviation security right now cannot be trusted to obey current laws. They're hiring felons and illegal immigrants and are failing to conduct the background checks required under current law. Current screeners are missing an unacceptable number of threat objects in tests conducted by the FAA. We cannot leave the same failing companies in charge of this important task and expect the results to change. We must professionalize this industry, and to do so we must federalize it.

I urge a "yes" vote on the Oberstar-Ganske substitute.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes and 20 seconds to the gentlewoman from New Jersey (Mrs. ROUKEMA).

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Chairman, I rise in strong support of this amendment in the nature of a substitute, and I want to commend both the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Iowa (Mr. GANSKE) for their bipartisan approach and steadfast leadership on this very important issue.

Now, I must admit that both these bills are constructive. They deal with baggage claims, including baggage check claims being screened, including further security measures for secure areas at airports. I will not go into all of that. They are good. But, clearly, the Oberstar-Ganske bill is far superior when we get to the responsibility of security at the airports, and I want to stress this.

We continue to hear stories and disturbing reports about the inefficiency and ineffective security at our airports, even since September 11. The stories go on and on, including loaded firearms on a plane just this past week. The point is that we have to start thinking outside the box, as this bill does.

The system has serious gaps in it and serious holes and it is time that we do Ganske-Oberstar, the bipartisan bill, because it acknowledges that it is a function of Federal law enforcement that has to be enacted at the airports.

Mr. Chairman, we rely on the Federal Government to guard our borders, the Border Patrol; to police our coasts and coastways, the Coast Guard; national parks, the Park Police; and even for Members and visitors at the U.S. Capitol, the U.S. Capitol Police. So this is not an extraordinary thing that we are doing, as critics of this proposal have said.

We need all of this. We are very late in action, and we cannot let it stall any longer. I might make the point that in the Senate this bill was passed on a bipartisan basis. This is not a partisan thing. It was passed in the Senate with the support of TRENT LOTT and 48 other Republicans. Let us protect our people and our Nation.

Mr. Chairman, I rise in strong support of the amendment in the nature of a substitute offered by the gentleman from Minnesota. I want to thank Mr. OBERSTAR and Mr. GANSKE for their steadfast leadership on this critically important issue. I also would like to commend Chairman DON YOUNG of the Transportation Committee for his commitment to protecting the American people.

I believe the House is being asked to choose between two constructive proposals that address issues we should have addressed years ago:

Both bills would expand the federal air marshal program;

Both bills require aircraft cockpit doors be strengthened and other cockpit and cabin security measures be implemented;

Both bills would establish further security measures for secure areas of airports;

Both bills require that armed federal law enforcement officers be placed at all screening stations;

Both bills establish strict employment, training and performance standards for screening personnel, with screeners being prohibited from striking and subject to firing for poor work performance.

Both bills require all baggage—including checked baggage—be screened;

Both bills mandate that background checks be performed on foreign nationals and others seeking flying lessons at U.S. flight schools;

However, on the key issue of ultimate responsibility for security, the Ganske-Oberstar amendment is bipartisan and superior.

Mr. Chairman, every Member of this House climbs on an airplane at one of our airports with regularity. Each and every one of us has horror stories about security lapses they witnessed.

Since September 11, we continue to hear and read stories about disturbing reports about the inefficiencies and ineffectiveness of the security at our airports. Passengers are still carrying loaded firearms on a plane. Private security firms employing felons. Passengers walking around security checkpoints. Security personnel falling asleep at their posts. The unevenness of security procedures from airport to airport. The list goes on and on.

One thing can be said for terrorists—they are resourceful. Not many people thought before September 11 that airliners could do so

much damage to America. But the terrorists did.

Not many people thought four flights could be hijacked simultaneously. But the terrorists did.

It's time we started thinking outside of the box. Clearly, the system we have in place today has serious holes. It's time to change the culture at airports. It's time to acknowledge that this is a function of law enforcement—federal law enforcement—with all the weight, experience, and know-how that brings with it. Ganske/Oberstar the bipartisan bill does this.

It's time to upgrade the training, the pay, the working conditions, and the supervision of those who provide this essential security screening.

With all due respect to Secretary Mineta and the hardworking people at the Transportation Department, it's time to turn this function over to a law enforcement arm of the United States government.

Then, if there are failures, we know exactly where to point the finger. And frankly, the American people will look right at us . . . as they should.

Mr. Chairman, we rely on the federal government to guard our borders (Border Patrol), police our coasts and waterways (Coast Guard), to protect our National Parks (Park Police), to ensure the security of this Capitol, our Members and our visitors (U.S. Capitol Police).

Our war-fighting duties fall to the federal government. My Colleagues, we are at war! And we should not fall back on the same old system with the same old people to ensure security of our skies.

Mr. Chairman, as we stand here today, we are very late. The murderous attacks on the World Trade Center, the Pentagon and unknown targets in the Washington area—attacks where the weapons of choice were four fuel-laden commercial airliners—occurred nearly seven weeks ago. Since that time, we have seen Americans come to consider flying as a travel means of last resort. We have heard the Attorney-General and the FBI issue two warnings of imminent terrorist attack.

We are very late. The American people want action. The American people deserve action.

Passage of the Oberstar amendment means this legislation goes right to the President's desk. This weekend we heard Chief of Staff Andy Card indicate that the President will sign this bill—the same bill that was approved by the Senate 100–0. The same bill that was supported by Trent Lott and 48 other Republicans.

My Colleagues, time is wasting. Pass the Oberstar-Ganske amendment. Send this bill to the President. Protect the American people and protect them now! Protect our Nation.

Mr. MICA. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. WELDON), chairman of the House Subcommittee on Civil Service.

Mr. WELDON of Florida. Mr. Chairman, I had legal counsel review the legislation we are debating right now at the Subcommittee on Civil Service. The way this amendment is drafted it exempts these new Federal employees from the Veterans Preference Act, the civil rights laws, the Rehabilitation Act, the Age Discrimination Act, merit

principles, family and medical leave, Federal labor-management relations statutes, the Fair Labor Standards Act, and the whistleblower protections.

If a Republican brought an amendment calling for the creation of a new Federal workforce that is going to be larger than the workforce at the Department of Labor, larger than the workforce at three other Cabinet level agencies and tried to exempt them from all these Federal laws, my Democrat colleagues would be up in arms. The unions would be going berserk. I am amazed that this amendment has been crafted this way.

Now, I assume my colleagues are expecting the Attorney General to voluntarily apply all these protections. I would just like to point out that the debate is not between doing nothing and my colleagues' proposal. The debate is between the Oberstar amendment and I think a very, very good proposal that is modeled on the European experience, where they have tried to federalize their workforce.

Let me just close out by quoting from a Washington Post survey of Federal employees. Only 30 percent of Federal employees, and my father was a retired Federal employee, believe the Federal Government does an effective job disciplining poor performing employees.

I think what the American people want is the most effective protections that we can put forward, and this proposal creates some federalization of the security forces. To federalize all of them, and in this fashion, in this amendment, baffles me. Vote against this thing.

Mr. OBERSTAR. Mr. Chairman, I yield myself 30 seconds.

Mr. STRICKLAND. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Ohio.

Mr. STRICKLAND. Mr. Chairman, I rise today to engage my distinguished colleague from Minnesota in a colloquy to clarify one section of this bill, section 108, relating to the screening of passengers and property.

Am I correct in my understanding that section 108 only applies to the screening of passengers and property that will be placed aboard passenger aircraft?

Mr. OBERSTAR. Reclaiming my time, Mr. Chairman, I would advise the gentleman that his understanding is correct.

Mr. STRICKLAND. I thank the gentleman for that clarification, Mr. Chairman.

Mr. OBERSTAR. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, there is a lot of, if my colleagues will forgive me, flying on the vote on the Oberstar substitute. It is as if one wing said passenger safety

and the other wing said economic recovery.

On September 11, we paid a very high price in human lives when planes went down. Since then we have been paying the price in jobs and empty airline seats. The planes are up, but 20 percent of the passenger loads is down and 40 percent of the revenue is down. Unless we help people conquer the new fear of flying, more planes will be grounded and more jobs lost.

September 11 taught us that we must not have one standard of personal safety in the air and another standard on the ground. The average American has just one question for us this evening, and that is are we doing everything humanly possible to maximize safe air travel. Sadly, not with the Republican bill.

We cannot make government accountable for the people's safety by cloaking a private employee in red, white and blue. If it quacks like a contractor it cannot walk like a law enforcement officer. There is only one way to have one system of care and accountability coast to coast and that is with one Federal employer.

My good Republican friends are fond of saying that the only indispensable function of government is national security. For heaven's sake, do not cop out on national security in the air for the American people. Support the bipartisan Senate bill and substitute.

Mr. MICA. Mr. Chairman, I am pleased to yield 1½ minutes to the gentleman from Maryland (Mr. GILCHREST), one of our senior members on the Committee on Transportation and Infrastructure.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding me this time.

I will say to the gentlewoman from the District of Columbia, having spent weeks looking into this issue, not as a Republican, not as a Democrat, but as someone who wants both wings to say passenger safety, someone who truly believes that it is keen that the Federal Government has responsibility for the safety and security of American citizens, that I also truly believe it is the responsibility of the Federal Government to provide security at our Nation's airports.

Now, why are we here today and not 3 weeks ago? Because it took the committee time. It took myself visiting the Port of Baltimore, BWI Airport, our bridges, and all those vulnerable areas in our State, which includes nuclear power plants, which includes Federal buildings, and includes a whole array of other things. So this bill, in my judgment, after talking to the Coast Guard, the CIA, the FBI, Customs, INS, airport security, State police, you name it, it is my considered judgment, after listening to them, that the Federal Government needs to be responsible in this case for airport security.

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What does that mean? That means that we want to make sure that behind



every screener is a Federal agent. In some cases every screener will be a Federal employee, a Federal agent; and in some cases the baggage handlers will also be in that category. But be sure that every bag is going to be screened. The Federal Government will provide security for this system in the same manner that the Federal marshals provide security for our nuclear power plants.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH).

(Mr. SMITH of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Chairman, both of my older brothers are competent, experienced master pilots with thousands of flight hours. One flew Hueys and Cobra Army helicopters; another brother is a former aircraft fighter pilot who flew A-7s off the USS *Enterprise*. Today he is a 757 captain with a major airline. What we do today holds an added personal significance for me and my family.

After the jets and planes went back into the sky following the horrific tragedy of September 11, he and his wife, who is a flight attendant, courageously did their jobs. They, like many other air crews, braved flight despite the fact that serious flaws in aircraft security remained. We can change that today. The pilots and air crews, like the police, fire and emergency "first responders" at ground zero are heroes. We owe them a tremendous debt of gratitude, admiration, and respect.

There is no doubt in my mind whatsoever that on both sides of the aisle and both sides of the approach to ensuring aviation safety, Members are fully committed to protecting every flight crew and passenger in America. To suggest otherwise is demagoguery. I assume goodwill on both sides.

The current aviation security system is broken big time. The private sector system that we have had in the past, and I would submit, even with federal "supervision" going forward is likely to be less than the optimum. The Private Sector may not be up to the challenge of dealing with the new magnitude of terrorist threats that America faces. When it comes to the overriding and paramount interest of protecting American lives and our national security, I believe we can and must count on a professionally trained and maintained workforce. Neither bill is a panacea. Neither bill guarantees success; but highly trained Federal employees give us the best shot. I would point out that at the Department of Defense, at our borders with the Customs Service and with the Border Patrol, we count on them to provide that kind of protection. The job of protecting 96,000 miles of land, sea and air at our borders, and more than 300 ports of entry is entrusted each day to dedicated employees of the U.S. Customs Service.

Mr. Chairman, I support the Oberstar-Ganske Competing Amendment. It is the best of the two proposals.

Mr. Chairman, both of my older brothers are competent, experienced, master pilots with thousands of flight hours. One flew Hueys and Cobra Army helicopters. Another brother is a former aircraft carrier fighter pilot who flew A-7s off the U.S.S. *Enterprise*. Today, he is a 757 captain with a major airline.

So what we do here today holds an added personal significance and meaning for me and my family.

After jets and planes went back into the sky following the horrific tragedy of September 11th, he—and his wife, who is a flight attendant—courageously did their jobs. They—like many of their air crew colleagues—braved flight despite the fact that serious safety flaws remained. We can change that today. The pilots and aircrews—like the police, fire, and emergency responders at ground zero—are heroes. We owe them a great debt of gratitude, admiration and respect.

There is no doubt in my mind whatsoever that both sides of the aisle, and both sides of the approach to ensuring aviation safety, are fully committed and eager to protect every flight crew and passenger in America.

To suggest otherwise is pure demagoguery. I assume good will on both sides.

The Oberstar-Ganske amendment, which I have cosponsored as H.R. 3165, is a comprehensive attempt to improve our nation's airline security. We cannot allow any of the past deficiencies in the screening of passengers and property to continue. The past problems with unstructured and mostly private aviation security systems now in place at our airports must be scrapped, replaced, and repaired.

The current system is broken. Unfortunately, the private security systems have not in the past, and certainly cannot now be expected to deal with the new magnitude of terrorist threats America faces. Everyday brings news of some new incident where somebody with a box cutter, knife, or gun manages to walk onto an airplane. Last week, a man flying out of New Orleans International Airport boarded a Boeing 737 with a loaded handgun in his briefcase. He went right through airport security undetected. Why can't we just admit that while the private sector does many things well, they are just not up to the task of airport security? How many more guns have to get onto aircraft before we face reality?

When it comes to the overriding and paramount interests of protecting American lives and our national security, I believe that we can trust and count on federal workers. They have proven themselves at the Defense Department, and at our borders with the Customs Service and the Border Patrol. We don't contract these jobs out because they are too important to leave in the hands of the private sector. The job of protecting 96,000 miles of U.S. land, air, and sea borders and more than 300 ports of entry is entrusted each day to the 20,000 dedicated employees of the U.S. Customs Service. The job of protecting our own security right here in our offices and on this House floor is performed by the very capable and dedicated federal employees of the Capitol Police Force.

I ask my colleagues this question: if private security firms are so great, why not go with private security firms at the Customs Service or the Capitol Police Force? Maybe we should

privatize the Secret Service protection of the President while we are at it. Why should Congress and the President be protected by federal employees, while the rest of the country's security is provided by often poorly paid, poorly trained "rent-a-cop" outfits?

Airport security is a national law enforcement function and cannot be subject to cost-cutting measures that have fostered the poor standards that have contributed to serious security lapses.

The Oberstar-Ganske amendment would do more than just federalize the mission of bag screeners and airline security personnel. It would significantly expand the Federal Air Marshals program and provide for the mandatory training of flight and cabin crews to deal with aircraft threat conditions. It authorizes \$50 million annually over the next five years for research in security technologies and \$20 million for the FAA to issue research grants. This amendment also allows the Department of Justice to determine whether federal or state and local law enforcement personnel should be employed at our smaller airports. The amendment requires stringent background checks for current employees that have access to secure areas at airports. The bill also would allow the pilot, co-pilot, or flight engineer to carry firearms after the successful completion of a comprehensive training program; it would require the strengthening of cockpit doors and locks; and it includes provisions that would call for criminal history and background checks for students seeking flight training on certain classes of airports.

The public's confidence in air travel, badly shaken by the September 11th attacks and events afterward, must be restored. The Oberstar Amendment will accomplish this goal. It will assist in the stabilization and recovery of our airlines and related industries. This amendment will provide the level of security the American people deserve. Mr. Chairman, we cannot continue with a system that could again put our national security and the lives of Americans at risk.

Mr. MICA. Mr. Chairman, I yield myself 10 seconds just in response.

Mr. Chairman, we have 323 INS inspectors at the Canadian border, but we will have 31,000 Federal screening agents.

Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, let me quote Ronald Reagan: "Too often character assassination has replaced debate in principle here in Washington. Destroy someone's reputation, and you do not have to talk about what he or she stands for."

I have not heard one Republican on my side of the aisle talk about keeping the status quo. Each and every one of us has family that fly on airplanes, and we are concerned about their safety. But if one listens to the other side of the aisle, we are not interested in employing top-notch people. Indeed, we are.

Mr. Chairman, in Palm Beach County, I would like to be able, with the President's direction, to hire the Palm Beach County Sheriff's Department, uniformed law enforcement agents, FOP and PBA members. I like the

union, and I like supporting unionized police and firefighters. They could be on the job in a matter of weeks. They could be given the authority to do that. We are not suggesting to keep these little groups of people who are now working the airports. That is inadequate. That is unacceptable. The Young-Mica bill does not allow for that.

Let us not cloud the debate about one side not being concerned about passenger safety and the other side ramping up. I have heard Members praise the Border Patrol, and they are doing an outstanding job; but somehow there are 7 million illegals in this country that got through our borders.

The terrorist who struck the World Trade Center was here on an overstayed visa, the job of INS. They did not find him and remove him.

I have a pestilence in Florida, citrus canker, that is supposed to be stopped by the USDA inspection teams at our ports; but I have millions of dollars of damage of our crops because we did not stop it, all by Federal employees. I think we can do better. Do not say it is a panacea for safety.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentlewoman from Nevada (Ms. BERKLEY).

(Ms. BERKLEY asked and was given permission to revise and extend her remarks.)

Ms. BERKLEY. Mr. Chairman, it is imperative that we pass an aviation security package today that will make the skies safer. If the images of September 11 have taught us anything, it is that aviation security is national security. Restoring the public's confidence in aviation safety and getting people back in the planes are extremely important to Las Vegas and other cities that depend on tourism. In Las Vegas, hotel occupancy fell to 40 percent, and 240 conventions canceled after the attacks. Nearly 15,000 workers have been laid off from our hospitality industry alone.

The longer it takes to implement effective security measures in our airports, the longer people will stay out of the air and the longer people will stay away from our tourist destinations. Businesses will continue to suffer, and unemployment will continue to rise.

The Senate passed this aviation security bill unanimously, 100 to zero. It is time that the House answers the call of our constituents who are demanding airline security by passing this Democratic substitute.

One role of the federal government that we can all agree on is that the government has a responsibility to ensure our national security. We would never privatize our military or our Border Control agents. Yet we still contract out our aviation security to the lowest bidder.

Airport screeners are the front line of law enforcement in our airports. The current system of contracting out to the lowest bidder is unacceptable and irresponsible. Private companies pay their employees minimum wage, hire employees without conducting background checks and provide their employees minimal training.

What we need are federal officers at baggage screening checkpoints who have the benefit of experience, rigorous training, and access to integrated law enforcement government databases.

Mr. MICA. Mr. Chairman, I yield 1½ minutes to the gentleman from Tennessee (Mr. WAMP).

(Mr. WAMP asked and was given permission to revise and extend his remarks.)

Mr. WAMP. Mr. Chairman, this is not a partisan issue, even though it is divided close to partisan lines. As a matter of fact, one of my most distinguished constituents is a man named Jim Hall, who served for 6 years as the chairman of the National Transportation Safety Board under President Clinton. He actually is the foremost authority on airline security in the country, and earlier this week he wrote an editorial in support of the flexibility to contract out the security in the airports.

Mr. Chairman, I include for the RECORD his editorial, but I also want to read a portion. He says, "While there are persuasive arguments being made on both sides of this issue, I believe that private sector contractors are fully capable of handling the job if there is a system of government oversight that will provide adequate levels of funding to put in place the newest technology and to implement a positive bag-match program. It also must ensure high levels of preemployment screening, ongoing training and, most important, accountability."

"There are many examples of the effective uses of private contractors in high security areas. The Nuclear Regulatory Commission, for example, allows the use of private security personnel to safeguard the Nation's nuclear reactors, materials and waste facilities. This approach succeeds because private contractors operate under an oversight system that holds them to high professional standards and does not force bargain basement competitive bidding."

"The point is that the litmus test on the best way to increase aviation security should not be on whether airport screeners are Federal employees. Rather, it should be on which system has the best chance of succeeding and guaranteeing security over the long run."

Mr. Chairman, he knows this issue as well as anybody, and he knows that the best system is the system in Great Britain. He recommends that system.

The referenced article is as follows:

#### HOW TO IMPROVE U.S. AIR SECURITY

(By Jim Hall)

A very important debate is taking place in Congress on the issue of strengthening commercial aviation security. Unfortunately, much of it is centered on the question of whether pre-board screening organizations at the nation's airports should be completely federalized.

While the sometimes partisan debate over federalizing airport screeners is well-intended, it has in my view focused on the wrong subject. The main focus should not be on whether screeners should be government employees or private contract workers, but

rather on what caused the problem in the first place.

The inadequacies of our aviation security screening are the result of a deeply flawed system caused by the collective failure of the government and the airlines to provide a structure that is adequately funded and contains provisions for accountability.

These problems cannot be explained simply by pointing a finger at private-sector screening personnel. Rather, they are the result of the government—at the urging of the airlines—leaving the responsibility up to the individual airports and airlines, which in turn demand private bid packages that force contractors to pay hourly wages barely competitive with fast-food hamburger chains.

As a member of the White House Commission on Aviation Safety and Security during my tenure as chairman of the National Transportation Safety Board, I toured and studied airport-security programs at several domestic and international airports. It was apparent then, as it has become painfully so now, that the American system was woefully inadequate.

A multitude of recommendations were made to begin improving the safety of our air transportation system, including increasing the professionalism of passenger screeners. Although some have been implemented, more work needs to be done.

As part of the multifaceted response to the Sept. 11 tragedies, the Senate has approved legislation that would make preboard-screeners federal employees. The House of Representatives, meanwhile, is preparing to debate the status of screeners as part of its version of aviation-security legislation. Many House conservatives and moderates are opposed to staffing passenger-screening posts with a new cadre of federal workers.

While there are persuasive arguments being made on both sides of this issue, I believe that private-sector contractors are fully capable of handling the job if there is a system of government oversight that will provide adequate levels of funding to put in place the newest technology and to implement a positive bag-match program. It also must ensure high levels of pre-employment screening, ongoing training and, most important, accountability.

There are many examples of the effective uses of private contractors in high security areas. The Nuclear Regulatory Commission, for example, allows the use of private security personnel to safeguard the nation's nuclear reactors, materials and waste facilities. This approach succeeds because private contractors operate under an oversight system that holds them to high professional standards and does not force bargain basement competitive bidding. The point is that the litmus test on the best way to increase aviation security should not be on whether airport screeners are federal employees. Rather, it should be on which system has the best chance of succeeding and guaranteeing security over the long run. Only through a systemwide approach can we ensure the timely implementation of technology and the highest level of security for all Americans.

I believe the solution lies in a public-private partnership that puts together the advantages of both. The best model for this can be found in the United Kingdom. Under the British system, either private-sector contractors or airport personnel perform pre-board passenger screening under strict government oversight. They are held to very high standards. The system works.

Regardless of what Congress decides on this particular issue, it ultimately must address the aviation-security system as a whole. The responsibility for implementing this new system and ensuring that new regulatory standards are met should be placed in

the new Office of Domestic Security, where clean lines of accountability could be established. It should not be buried within the multilayered bureaucracies found in the departments of justice and transportation. Additionally, I believe an independent board or agency that would function much like the NTSB should be created that would serve as an integral part of a new system of checks and balances. It in essence would be a watchdog on behalf of the American public regarding aviation security.

The U.S. aviation safety system has been a model for the world because of the hard work of FAA regulators and the dedicated employees of the NTSB, who continually monitor the system through investigations of accidents and incidents. The independent safety board has never been afraid to speak out to protect the interest of the traveling public. There needs to be a similar independent voice to ensure that those responsible for aviation security are held accountable.

As it deliberates, Congress needs to remember that the system failed—not individuals. If a new security system, such as the one I have described, is implemented, concerns regarding private-sector passenger screeners will be moot. The time for decisive action is now. It is imperative for Congress to make the systemic changes that are needed, not only to address the problems of the past, but also to create a model of security that is strong enough—and flexible enough—to keep us safe and to rebuild confidence in the future.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

(Ms. WATERS asked and was given permission to revise and extend her remarks.)

Ms. WATERS. Mr. Chairman, we, the Members of the House, have an opportunity to make a rather easy decision this evening. We must decide to make airline travel safe for the people of the Nation. We must support the Democratic substitute and restore the confidence of our citizens to ride airplanes.

The Aviation Security Act will eliminate the irresponsible private contractors who win the lowest-bid contracts for providing screening services at our airports. These contractors have failed the basic job of keeping our airlines safe for flight.

Further, this bill will ensure all planes are retrofitted to secure the cockpits and to protect the pilots and passengers from hijackers.

In addition, we must purchase the equipment to screen all baggage and all packages that are placed in the belly of each and every airplane. This bill will place more air marshals on our planes. These are simple safety measures that must be enacted.

Mr. Chairman, what is wrong with us? What has taken us so long to make the flying public safe? Members, do not let history record the horrible details of the September 11 disaster, and further record that Members of Congress were not unified enough, not wise enough to pass good public policy.

Mr. MICA. Mr. Chairman, I yield 2½ minutes to the gentleman from Arizona (Mr. SHADEGG).

(Mr. SHADEGG asked and was given permission to revise and extend his remarks.)

Mr. SHADEGG. Mr. Chairman, we owe the American people the most safe and secure air system in the world. We owe them a fair debate. This debate has been focused on the current system, but the Young-Mica bill rejects the current system.

Under the current system, responsibility for security is with airlines and private contractors. Under the Young-Mica bill, it is with the Federal Government.

Under the current system, training is with the airlines and private contractors. Under the Young-Mica bill, it must be done by the Federal Government.

Under the current system, the testing of the competency of screeners probably is not done at all; but when it is done, it is done by the airlines and private contractors. The Young-Mica bill rejects that, and testing must be done by the Federal Government.

The current system says compensation is set by the airlines and the private contractors. Under the Young-Mica bill, it is set by the Federal Government.

Under the current system, the power to fire or discipline employees rests with the airlines and private contractors. Under the Young-Mica bill, that is rejected.

Any Member who debates this issue based on the current system is making a tragic mistake. The Young-Mica bill replaces that.

Mr. Chairman, I have the greatest respect for the gentleman from Minnesota (Mr. OBERSTAR), but the substitute is not his. The substitute is the Senate bill identically; and, although sincere, it is flawed. It is weaker in six ways than the current bill before us, the improved House bill.

First, it treats small and large airports differently. That is one of the very mistakes that was exploited by those who came in on September 11.

Second, it has a weaker baggage screening provision. That is because we revised it later. The simple truth is the House bill improves upon the Senate bill; and, therefore, it improves upon the substitute because the substitute is the Senate bill.

Third, the substitute allows noncitizens to be screeners. Again, the House bill written after that, the Young-Mica bill, improves on that and says no noncitizens can be screeners.

Fourth, it is implemented slower. The substitute is implemented slower than the Young-Mica bill. The substitute is implemented in 9 months. The Young-Mica bill must be implemented in 3 months, and it has expedited rulemaking.

Fifth, the substitute splits the jurisdiction for security between the Department of Justice and the Department of Transportation. We can debate who ought to have this authority, but it should not be split.

Last, the substitute discriminates against people from small towns by making them pay twice the fee. Defeat

the substitute. Let us go to conference. We owe the American people and the victims of September 11 the best possible bill and nothing less.

Mr. OBERSTAR. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. ETHERIDGE).

(Mr. ETHERIDGE asked and was given permission to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I support the Democratic substitute in the interest of the American people.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. BOSWELL).

(Mr. BOSWELL asked and was given permission to revise and extend his remarks.)

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Mr. BOSWELL. Mr. Chairman, as for the comments made about not knowing what is in the bill, the gentleman from Iowa (Mr. GANSKE) came to me about 4 weeks ago. The Senate passed it 3 weeks ago. We know what is in the bill. Let us not say that. My two Senators voted for it. Come to think of it, so did every one of yours here. They voted for it, 100 percent. Let us pass this bill, let us get something to the President and let us get on about the business of providing security. I do not care if you go to Omaha, if you go to Kansas City, if you go to Des Moines, you go to Chicago, places I have been, the American people want security and they are saying do it, do it now, let us not delay any longer. Federalize it.

Let us have confidence. Let us get the job done. Let us have standardization and do the job right. Support the Oberstar-Ganske amendment, please.

Mr. MICA. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Chairman, we share the same goal here this evening. The question is how we best improve our aviation security. So let us ask some questions about what will actually make passengers safer. Will airline passengers be safer if the responsibility for airline security is confusingly split between the Department of Transportation and the Department of Justice, meaning Transportation to be responsible for some safety aspects and Justice for others as is the case with the substitute amendment before us? I know this is not the gentleman from Minnesota's approach, but this is what is before us. This is the Senate bill.

This lack of accountability will lead, in my view, to confusion, to finger pointing. Would passengers be safer if smaller airports received a different and lower level of protection than larger airports as is true with the substitute before us? Again, this is the Senate bill. I am not saying it is the gentleman from Minnesota's bill, but

that is before us. Would airline passengers be safer if their baggage was screened by a Federal employee who if found to be incompetent would be more difficult to discipline, to fire as they would be under the substitute amendment before us?

I have heard a lot of talk about the need to act quickly so let me ask this question. Would we be better off with a bill that does not have expedited procedures to move more quickly? My answer would be no.

Mr. OBERSTAR. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from Texas (Ms. EDDIE BERNICE JOHNSON).

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in support of this bipartisan substitute. More than a month ago, this Congress acted expeditiously to provide financial relief to the airlines in order to help them withstand the crushing blow that they took September 11 and to make sure they did not go into bankruptcy. That, however, has not caused people to get back on the planes. Passengers will not fly until they feel the plane is safe. If the system we have in place now continues, they might not ever fly at the rates again. Even since all the talk about the increasing safety and security, the checkers that we have have already missed a loaded gun that was in a briefcase for a passenger. The turnover with these private companies is so high that even training is inadequate because there is no time. It is constant training.

Mr. Chairman, I rise in support of the bipartisan Oberstar-Lipinski-Ganske substitute amendment.

More than a month ago, this Congress acted expeditiously to provide financial relief to the airlines in order to help them withstand the crushing blow that they took in the September 11 attacks. However, we all knew that helping the airlines to avoid imminent bankruptcy would only be a pyrrhic victory if we did not act further to re-establish an environment that enables the airline industry to prosper in the long term. Airline passengers have still not returned because many do not have full confidence in security at our nation's airports.

The recent revelation that Argenbright Corp. which handles security at 46 of our nation's largest airports, continues to violate the terms of its probation by hiring criminally convicted baggage screens, certainly does little to allay those fears. The American people are now demanding a level of security at our nation's airports that simply cannot be provided by private contractors who insist on hiring minimum-wage, ill-trained workers. America is now in a state of war against terrorism. At the front lines of this conflict are security personnel who screen passengers and luggage. This is a national security matter and a fundamental responsibility of the federal government. Just as we depend on professional pilots to bomb Taliban positions and professional troops in our special forces to perform surveillance operations in Afghanistan itself, we must have a professional police force at airports to ensure

that terrorists do not succeed in inflicting harm to airline passengers.

The Young-Mica bill merely continues the status quo. The Oberstar-Lipinski-DeFazio bill is the only bill being considered today that addresses the fundamental flaws in the way we handle airport security. Moreover, it is the exact text as the bill which passed unanimously in the Senate. Every Senator—from the most conservative to the most progressive—voted for it. They understand what the American people are demanding. I hope enough of my colleagues in the House will understand that as well. I ask my colleagues to vote for Oberstar-Lipinski-DeFazio language and against the Young-Mica language.

Mr. MICA. Mr. Chairman, I am pleased to yield 2¼ minutes to the gentleman from Michigan (Mr. EHLERS), one of the senior members on the Subcommittee on Aviation.

Mr. EHLERS. Mr. Chairman, I thank the gentleman for yielding me this time.

I would like to get past the politics of this issue for a moment because most of the discussion has been about whether or not this workforce should be federalized. I really do not think that is the big issue here. Federalization is something that can be resolved later, because both bills allow federalized employees. The Senate bill requires it. In other words, the Oberstar bill requires it. The House bill allows it and gives a choice to the administration. I think it is very important to remember that.

That is not really the issue here. I do not know why everyone is spending all that time on it. I think it is very important to look at just what is important here and look at writing good law. That is what we are supposed to worry about. I think if you look at it very carefully, you will clearly see that the House bill is a better bill, in a number of different ways.

We have already heard the comments of the gentleman from Florida (Mr. WELDON), who reviewed the laws that the Attorney General could ignore under the Senate bill, which is the Democratic substitute: The Veterans Preference Act, civil rights law, Rehabilitation Act, age discrimination in employment, merit principles, Family and Medical Leave Act. These were all very hard-fought issues over the years and we are suddenly going to throw them out in the substitute. That is not writing good law.

The House bill is carefully drafted after consideration, hearings, study, consultation. The Senate bill gives the appearance at least of being hastily drafted. All of us here know that sometimes one House, one body in this Congress will do that. They will hastily draft a bill, send it over to the other side and say, "We'll clean it up in conference." This substitute has to be cleaned up in conference, but the way it is written it will not go to conference. We need a bill to go to conference so we can write good law.

The House bill provides for good administration of the system. The Senate

bill, I tried to diagram this and it is almost impossible to diagram the administration of the law under the Oberstar amendment. DOT has a Deputy Secretary for Security with very little responsibility. Then the Secretary of Transportation comes in with quite a bit of responsibility. The Attorney General gets involved and it is hard to even know where to draw the lines between the two because their relationship is not clearly specified. The FAA Administrator comes in and, of all things, the Attorney General, which administers law, provides the guidelines for all the air marshals whereas the FAA Administrator, which is not used to supervising Federal law enforcement, has to supervise the air marshals. It is exactly the opposite of the way it should be.

This substitute is poor law. Do not vote for this substitute. Vote for the House bill, send it to conference and together with the Senate we can write good law.

#### ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would like to remind Members once again that remarks in debate may dwell on the content of the Senate version of this bill, but they must not characterize the manner in which it was composed or those who composed it in the Senate.

Mr. OBERSTAR. I thank the Chair for again insisting on the decorum of the debate in this body.

Mr. Chairman, I yield 1 minute to the distinguished gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. I thank the gentleman for yielding me this time.

Mr. Chairman, America deserves a decent airline security bill. Since September 11, we have been overrun by representatives of these private security firms. This is what they have told us:

"It's true we've done a lousy job. We've done a terrible job. It's true, we've broken laws. It's true, we've been fined millions of dollars. It's true, we have falsified records.

"But," they said, "if you'll just pay us a lot more money, we'll do a better job. That is all we need is a lot more money."

It reminds me of the time that my neighbor Miss Alice hired Good Doc to cut a tree down in her yard. Good Doc came and he looked at that tree and he said, "Miss Alice, I'll cut that tree down for \$25."

She said, "That's fine, Doc, that's a good deal."

He said, "But for \$50, I'll guarantee it doesn't fall on your house."

We are about to pass a law that lets the tree fall on our house. The American people deserve a good airline security bill. Let us pass one.

Mr. MICA. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. ROGERS), a member of the full Committee on Transportation and Infrastructure and also a former FBI agent.

Mr. ROGERS of Michigan. Mr. Chairman, I have been listening all day and I have heard a reoccurring theme. It seems that my friends on the other side of the aisle are more concerned about who signs the check than they are about who checks the bags.

We ought to get back to what is important here. We have come together on a lot of things. We have recognized the problems together. We understand that the companies are not up to standard. You are right. We have talked about it, both sides of the aisle. We understand that the system needs improvement, needs Federal involvement. You are right. We understand that the Federal Government ought to get involved and set the standards and the Federal Government ought to be involved in testing and the Federal Government ought to be involved in training and the Federal Government ought to be involved in accountability and oversight. We agree on these things, all of these things.

What we did, what this chairman did, Young-Mica, they talked to the folks who are on the front lines of terrorism every day for the last 20 years in the airline industry. And they said, "United States of America, don't make the same mistake that we did. Federalize, don't nationalize. If you want all of those things, if you want all of that accountability, if you want safe airplanes in the sky, follow our lead."

This bill follows their lead. As a former FBI agent, I can tell you, I want safe airlines. I want my wife, who travels on business, to be safe. I want my family to be safe. You ought to set all of the politics aside. I would urge my colleagues on the other side of the aisle, for the safety of America, for the viability of these airlines, set your arguments aside, stop worrying about who signs the check and start worrying about who checks the bag.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Chairman, when it comes to the check being signed by the lowest bidder, I must worry.

The fact is that we are at a critical juncture in our attempt to protect our Nation. We have been entrusted by the American people to make crucial decisions that will affect and protect their lives. The American people expect for us to get it right.

It is time to acknowledge the fact that private sector management of our Nation's aviation system has miserably failed us. By refusing to take the appropriate action to correct the problem, we run the risk of experiencing a repeat of September 11 and the risk of abusing the trust of the American people. The appropriate action is federalization of our aviation security system.

There have been accusations that support of federalization is an attempt to bolster Federal employee unions.

Our accusers have forgotten that the majority of the brave Americans who were hailed as heroes on September 11 are union members and have gone beyond the call of duty. I believe federalized airport security personnel would provide the same high standard of service.

Let us put politics aside and pass the bipartisan substitute.

Mr. MICA. Mr. Chairman, I am pleased to yield 1½ minutes to the gentleman from Minnesota (Mr. KENNEDY), one of the distinguished members of our Subcommittee on Aviation.

(Mr. KENNEDY of Minnesota asked and was given permission to revise and extend his remarks.)

Mr. KENNEDY of Minnesota. Mr. Chairman, September 11 was a call to action to strengthen our security. Today, we have a chance to respond to a bipartisan request from our President and our Democratic Secretary of Transportation to pass legislation that focuses on security and nothing else. The American people deserve nothing less. The President and Secretary have asked us to follow a proven path that has long been successful in Europe and in Israel, and we should.

The Young-Mica bill expands Federal air marshals, strengthens cockpits, allows pilots to protect themselves and, therefore, the plane, strengthens the screening of checked bags, federalizes supervision of bag screening, federalizes background checks and training of baggage screeners, and federalizes assuring the qualifications and performance of baggage screeners. But it does more, more than the alternative bill. It expedites rule-making. We have been waiting 5½ years for better, more comprehensive Federal rules on baggage screening. We cannot wait any longer. It also deals with all areas of aviation security, not just baggage screening, including those that are providing food service and cleaning services in the airplanes and comprehensive security in the airports.

We need to support our President, we need to support our Secretary of Transportation and pass the comprehensive Young-Mica bill. We owe America nothing less.

□ 1845

Mr. OBERSTAR. Mr. Chairman, I am very pleased to yield 1 minute to the distinguished gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, some Republicans falsely claim that the Ganske-Oberstar bill lacks substantive aviation security technology provisions. They are wrong. The Ganske-Oberstar bill has an entire title dedicated to improving aviation security technology.

This title calls on rapidly deploying and fully utilizing viable security technologies. The title calls upon the FAA to implement technology-driven changes to our aviation security system in the short term, including the

plan to deploy security-enhancing technologies such as biometrics, database integration, smart cards, and other promising new applications that are available even right now.

The Ganske-Oberstar bill looks to the long-term as well, calling for new and substantial investments into FAA's R&D program. The bill doubles the budget for the FAA's Technology Center and increases spending on accelerated research and deployment of technologies for detection of non-metallic weapons and cargo screening.

Let us make sure that our aviation security policy is backed up by balanced, bipartisan thinking, not posturing and rhetoric. Support the Ganske-Oberstar bill.

Mr. MICA. Mr. Chairman, I am pleased to yield 1½ minutes to the gentleman from Texas (Mr. ARMEY), the distinguished majority leader of the House.

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, again we are reminded about the horrible events of September 11. We watched as a Nation with horror and as air travelers, we watched with some fear and trepidation. We watched as the President of the United States acted swiftly to request that every airline in America abstain from flying for a few days until they could determine how serious the threat was and what could be done to correct it.

It was not but a few days, and the President and his team made the corrections in airline security, put in the new personnel, put in the supervision, put in the regulations, put in the requirements, put in the Federal marshals; and I will have to say, and I do not think there is anyone that can doubt it, there is not a person who gets on an airplane in America today who does not do so under unprecedented conditions of safety. Every bit of that increased safety with which we fly today is a result of the actions of the President of the United States and his executive team.

The President of the United States very soon thereafter made it very clear that he knew what he needed to make this Nation secure, and he called upon Congress to enact the law that would give him the power and the authority to administer the airways of this country in a safe fashion.

This Congress stood here just a few days after that horrible tragedy, and we voted our confidence in this President to assign military operations, to assign people to the fields of danger across this globe, to deploy the FBI, to deploy the CIA, to deploy all the agencies of this government in the Nation's security. Yet on this one issue, on this one issue alone, we have those who would defy the President and say, no, Mr. President, we cannot leave airline security to your administration, even in the face of the existing security provided by his actions and his actions alone. No, Mr. President, you must do it our way.

What we have here in the base bill is a bill that says we resolve, Mr. President, to make the Nation safe, and we resolve to give you the authority and the discretion to do this job right.

What we have in the form of the substitute is a bill that says no, Mr. President, you must do it our way, and a bill that says that, Mr. President, despite the fact that there has not been to this date a single action by a single Member of Congress that has made one single passenger safer in America.

I think our path of responsibility is very clear: reject the substitute; reject this intrusion of Federal Congressional mandate. Put your confidence in the plan of the President. Give the President the ability, the authority, and the endorsement to do what is necessary to keep our children safe in the air.

Mr. OBERSTAR. Mr. Chairman, I yield myself 10 seconds.

Mr. Chairman, that was a very compelling appeal by the distinguished majority leader, but I would just point out to my colleagues that the committee bill does not trust the President either, because it is filled with mandates, while at the same time they ask for flexibility.

Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. Mr. Chairman, I stand to give you a bulletin from the City of New York, from my home community of Queens, New York. As we speak, Concourse A, Terminal 8 at JFK Airport has just been closed. It has been closed because the screeners at American Airlines when a magnetometer broke down decided to just wave the people through.

They waved enough people through, until the FAA found out about it. The FAA, by the way, for those who have not noticed, is a Federal agency that hires Federal employees. The screeners are not. The FAA closed down the whole terminal. Presently, five planeloads of people thinking they were going to their destinations across America are being off-loaded off of all those planes because they are now considered unsanitized and have to go through the screening process that some of them should have gone through to begin with.

This points out exactly the problem that we have: poorly trained, inconsistently trained, nonpublic, non-Federal employees, doing screening by any rules they deem necessary, without any supervision.

Think of what you would do if you passed what you are looking to pass.

Mr. MICA. Mr. Chairman, I am pleased to yield 1¼ minutes to the gentleman from South Dakota (Mr. THUNE), a member of the Subcommittee on Aviation.

Mr. THUNE. Mr. Chairman, the whole objective of this discussion and debate is how do we make the skies as safe as is humanly possible. Now, under the logic that has been employed by the other side tonight, those who are

favoring the Democrat substitute, there is only one way to do that, with Federal employees. And yet the Democrat substitute only applies that logic to 142 airports.

Mr. Chairman, do you know, there are 461 commercial airports in this country? That means almost 70 percent of the airports in this country are not going to have Federal employees working there, which, under the logic that has been employed here this evening by the other side, means that those airports are going to have a substandard level of safety applied.

I do not think that is what you mean to do here, but that is in fact what is implied by the Democrat substitute; 142 airports would have Federal employees, the remaining 319 would have local law enforcement.

Now, the police chief in Pierre, South Dakota, is pretty busy. I do not know that he has time to go stand at the airport. But what you have essentially said this evening is it is Federal employees or not.

This legislation, the Mica-Young bill, makes it possible for the administration to use their discretion to determine whether Federal employees are the best way to keep the skies safe, or whether there is another way to do it.

Let us allow them to have that discretion, not mandate, and not say to those other 319 airports that you are going to be less safe than the 142 big ones.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the dean of the House, the gentleman from Michigan (Mr. DINGELL).

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Chairman, I thank my dear friend from Minnesota for yielding me this time.

Mr. Chairman, it is astonishing for me to see so many frequent fliers assembled in one place seeking to have the status quo continue. I would remind my Republican friends that more people were killed in the events of September 11 than at D-Day or Pearl Harbor. This is a serious matter. I would also note that Secretary Mineta has made this observation: he says that an unacceptable number of deficiencies continue to occur.

Argenbright and others have had a number of problems before, during, and since the 11th. They have falsified records, they have been convicted, they have been fined \$1.5 million. They have subsequently found that they have continued the same violations and are now up for violation of probation. They have allowed everything from guns to box openers to knives to move through the checkpoints.

How is it that we can say that we should continue the status quo, allowing the same kind of rent-a-cops to commit the same kind of outrages in terms of security? Let us get rid of them for good and put somebody in that is going to do the job right.

Mr. MICA. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Chairman, as was stated by my colleague from South Dakota, the substitute amendment focuses primarily on larger airports, 142 of them.

I represent a rural district that has only small Class IV airports, none of the 142 larger ones. These smaller airports are not subject to a uniform set of security standards under the substitute amendment.

This is precisely what our problem is today, we have no uniform standards. The Young-Mica bill sets uniform standards for all airports, not just a select number.

On September 11, the most prominent of the 19 hijackers boarded a plane at a smaller airport, flew to Boston, hijacked a plane and crashed it into the World Trade Center. Hijackers will enter the airport system at the weakest points, quite likely a small, relatively unsecured airport. Under the substitute, once past the security check point, a passenger can move freely throughout the system. The Young-Mica bill closes this loophole. Every airport manager in my district supports the House bill for the above reasons.

Mr. OBERSTAR. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mr. Chairman, we have the best military in the world, the best law enforcement agencies and the best firefighters.

All of these are government-run organizations that successfully protect the public.

And the public deserves the government's full protection and commitment at our nation's airports.

Our airport security system is tragically and fatally flawed.

We don't need to patch it up.

We don't need to continue the status quo.

Some have attacked federalization of airport security because it could potentially create a union.

Those who make this argument forget that roughly 400 union members died at the World Trade Center.

These union members and their union-member colleagues who survived helped save up to 20,000 lives.

Even the administration wants the other side to stop attacking public employees in this debate.

Working men and women aren't the problem. And tweaking the existing system isn't the solution. Like the military—protection of air travel should be done by federal employees.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Rhode Island (Mr. LANGEVIN).

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Chairman, I thank the gentleman for yielding me time.



Mr. Chairman, today I wish to thank my colleagues for addressing the important issue of airline security, and I urge passage of legislation that will provide the strongest safeguards to those who fly our Nation's airways.

Because tourism is Rhode Island's second largest industry, my constituents have been particularly affected by the slow-down in air travel since September 11. I have heard the concerns of airline employees and passengers, hotel workers, rental car companies, travel agents and restaurant owners; and we can all agree that Congress must restore confidence in air travel in order to boost our Nation's flagging economy.

Three weeks ago the Senate, both Republicans and Democrats joining in a bipartisan spirit, unanimously passed an airline security bill, the bill offered today as a substitute to H.R. 3150. The House and Senate bills have many points in common and both recognize the need to improve the structural security of our planes, place Federal air marshals on flights, and provide airports with the best technology.

Mr. Chairman, I urge passage of the substitute offered today by the gentleman from Minnesota (Mr. OBERSTAR).

Mr. MICA. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from Indiana (Mr. PENCE).

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Mr. Chairman, I thank the gentleman for yielding me time, and I rise in opposition to the Democrat substitute to the Young-Mica bill.

Mr. Chairman, I respect and appreciate the motivations of my colleagues and friends on the other side of the aisle; but the truth is, Mr. Chairman, that their bill looks good on the outside, but on the inside is full of a history of failure and cost lives.

□ 1900

Now, much has been made that this substitute passed the Senate by a 100 to zero vote, and that is true. Despite widespread and vocal reservations about the ineffectiveness of addressing airport security with a vast new Federal bureaucracy, the Senate voted and, to borrow a phrase, headed for the hills. So the task, Mr. Chairman, has fallen to us to craft a bill that achieves airport security.

President Bush's vision creates standards, the oversight, and the flexibility that builds on history to make our airports safe. Say "no" to a hollow political victory tonight; say "yes" to real airport security for our families and our constituents.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, 7 weeks since the tragedy of September 11, 3 weeks since the Senate passed an

airline security bill by a vote of 100 to zero. The delay in bringing this bill to the floor until now has put tens of thousands of American travelers at risk. That is wrong.

Security lapses at airports across the country continue. Screeners that were at the gates before September 11 are there now, with no additional training and the same poor industry standards. It is wrong.

Our current airline security system is an outrage. It is a profit-driven industry carried out by the lowest bidder. It has contributed to a workforce that suffers from high turnover, low pay, and low morale, and that is wrong. Baggage screeners should be a highly skilled, highly trained workforce that serves the frontline for our Nation's defense. Aviation security should be a function of Federal, professionally trained law enforcement officials. Border Patrol, FBI, INS and Customs Service are all Federal agencies that protect the public. The traveling public deserves the same protection. That is the right thing to do.

Let us not let the innocent people on those American and United flights, along with the thousands of others that perished on the ground, die in vain. Let us do the right thing. Pass an airline security bill that tells the American people that we consider airport security a critical component of our national security. Vote for the Democratic substitute.

Mr. DEFAZIO. Mr. Chairman, I rise to make a unanimous consent request.

The CHAIRMAN. The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, there are an extraordinary number of Members on our side who would like to speak. Debate, I believe, was unduly limited. So I would ask unanimous consent that the debate be continued on each side for an additional 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

Mr. SIMPSON. I object.

The CHAIRMAN. Objection is heard.

PREFERENTIAL MOTION OFFERED BY MR.  
DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 11, noes 402, not voting 19, as follows:

[Roll No. 422]

AYES—11

Capuano	Hilliard	Maloney (NY)
Clyburn	Honda	Pastor
DeFazio	Hookey	Rangel
Hastings (FL)	Langevin	

NOES—402

Abercrombie	Deusch	Johnson, E. B.
Ackerman	Diaz-Balart	Johnson, Sam
Aderholt	Dicks	Jones (OH)
Akin	Dingell	Kanjorski
Allen	Doggett	Keller
Andrews	Dooley	Kelly
Armey	Doolittle	Kennedy (MN)
Baca	Doyle	Kennedy (RI)
Bachus	Dreier	Kerns
Baird	Duncan	Kildee
Baker	Edwards	Kilpatrick
Baldacci	Ehlers	Kind (WI)
Baldwin	Ehrlich	King (NY)
Ballenger	Emerson	Kingston
Barcia	Engel	Kirk
Barr	English	Kleczka
Barrett	Eshoo	Knollenberg
Bartlett	Etheridge	Kolbe
Barton	Evans	Kucinich
Bass	Everett	LaFalce
Becerra	Farr	LaHood
Bentsen	Fattah	Lampson
Bereuter	Ferguson	Lantos
Berkley	Filner	Largent
Berman	Flake	Larsen (WA)
Berry	Fletcher	Larson (CT)
Biggart	Forbes	Latham
Bilirakis	Ford	LaTourette
Bishop	Fossella	Leach
Blagojevich	Frank	Lee
Blumenauer	Frelinghuysen	Levin
Blunt	Frost	Lewis (CA)
Boehlert	Gallely	Lewis (GA)
Boehner	Ganske	Lewis (KY)
Bonilla	Gekas	Linder
Bonior	Gephardt	Lipinski
Bono	Gibbons	LoBiondo
Borski	Gilchrest	Lofgren
Boswell	Gilman	Lowe
Boucher	Gonzalez	Lucas (KY)
Boyd	Goode	Lucas (OK)
Brady (PA)	Goodlatte	Luther
Brady (TX)	Gordon	Lynch
Brown (FL)	Goss	Manzullo
Brown (OH)	Graham	Markey
Brown (SC)	Granger	Mascara
Bryant	Graves	Matheson
Burton	Green (TX)	Matsui
Buyer	Green (WI)	McCarthy (MO)
Callahan	Greenwood	McCarthy (NY)
Calvert	Grucci	McCollum
Camp	Gutknecht	McDermott
Cannon	Hall (OH)	McGovern
Cantor	Hall (TX)	McHugh
Capps	Hansen	McInnis
Cardin	Harman	McIntyre
Carson (IN)	Hart	McKeon
Carson (OK)	Hastings (WA)	McKinney
Castle	Hayes	McNulty
Chabot	Hayworth	Meehan
Chambliss	Hefley	Meek (FL)
Clayton	Herger	Meeks (NY)
Clement	Hill	Menendez
Coble	Hilleary	Mica
Collins	Hinchey	Millender-
Combest	Hinojosa	McDonald
Condit	Hobson	Miller, Dan
Conyers	Hoeffel	Miller, Gary
Cooksey	Hoekstra	Miller, George
Costello	Holden	Miller, Jeff
Cox	Holt	Mollohan
Cramer	Horn	Moore
Crane	Hostettler	Moran (KS)
Crenshaw	Houghton	Moran (VA)
Crowley	Hoyer	Morella
Cubin	Hulshof	Murtha
Culberson	Hunter	Myrick
Cummings	Hyde	Nadler
Cunningham	Inslee	Napolitano
Davis (CA)	Isakson	Neal
Davis (FL)	Israel	Nethercutt
Davis (IL)	Issa	Ney
Davis, Jo Ann	Jackson (IL)	Northup
Davis, Tom	Jackson-Lee	Norwood
Deal	(TX)	Nussle
DeGette	Jefferson	Oberstar
Delahunt	Jenkins	Obey
DeLauro	John	Olver
DeLay	Johnson (CT)	Osborne
DeMint	Johnson (IL)	Ose

Otter	Sanchez	Taylor (MS)
Owens	Sanders	Taylor (NC)
Pallone	Sandlin	Terry
Pascarell	Sawyer	Thomas
Paul	Saxton	Thompson (CA)
Payne	Schaffer	Thornberry
Pelosi	Schakowsky	Thune
Pence	Schiff	Thurman
Peterson (MN)	Schrock	Tiahrt
Peterson (PA)	Scott	Tiberi
Petri	Sensenbrenner	Tierney
Phelps	Serrano	Toomey
Pickering	Sessions	Towns
Pitts	Shadegg	Traficant
Platts	Shays	Turner
Pombo	Sherman	Udall (CO)
Pomeroy	Sherwood	Udall (NM)
Portman	Shimkus	Upton
Price (NC)	Shows	Velazquez
Pryce (OH)	Shuster	Visclosky
Putnam	Simmons	Vitter
Quinn	Simpson	Walden
Rahall	Skeen	Walsh
Ramstad	Skelton	Wamp
Regula	Slaughter	Waters
Rehberg	Smith (MI)	Watkins (OK)
Reyes	Smith (NJ)	Watson (CA)
Reynolds	Smith (TX)	Watt (NC)
Riley	Smith (WA)	Watts (OK)
Rivers	Snyder	Waxman
Rodriguez	Solis	Weiner
Roemer	Souder	Weldon (FL)
Rogers (KY)	Spratt	Weldon (PA)
Rogers (MI)	Stark	Weller
Rohrabacher	Stearns	Wexler
Ros-Lehtinen	Stenholm	Whitfield
Ross	Strickland	Wicker
Rothman	Stump	Wilson
Roukema	Stupak	Wolf
Roybal-Allard	Sununu	Woolsey
Royce	Sweeney	Wu
Rush	Tancredo	Wynn
Ryan (WI)	Tanner	Young (AK)
Ryun (KS)	Tauscher	Young (FL)
Sabo	Tauzin	

## NOT VOTING—19

Burr	Gutierrez	Ortiz
Capito	Istook	Oxley
Clay	Jones (NC)	Radanovich
Coyne	Kaptur	Shaw
Dunn	Maloney (CT)	Thompson (MS)
Foley	McCrery	
Gillmor	Mink	

## □ 1922

Ms. WOOLSEY and Messrs. STEARNS, COOKSEY, ISRAEL, PITTS, KILDEE, and STUMP changed their vote from "aye" to "no."

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

Mr. MICA. Mr. Chairman, I am pleased to yield 30 seconds to the gentleman from Alaska (Mr. YOUNG), our distinguished chairman of the Committee on Transportation and Infrastructure.

Mr. YOUNG of Alaska. Mr. Chairman, this is especially for a point of clarification.

The gentleman from Minnesota (Mr. OBERSTAR) was asked a question about section 108, and the implication was that only passengers and bags would be screened.

Section 108 in the gentleman's substitute requires screening of all cargo and also the mail. Also in section 131 on page 75, that section requires private plane owners to screen their passengers and bags if the plane is more than 12,500 pounds.

So I just want to make it perfectly clear for the record that the answer the gentleman from Minnesota gave to the gentleman who asked it was incorrect.

Mr. MICA. Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. ENGEL).

(Mr. ENGEL asked and was given permission to revise and extend his remarks.)

Mr. ENGEL. Mr. Chairman, I rise in support of the substitute for federalizing workers.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. INSLEE).

(Mr. INSLEE asked and was given permission to revise and extend his remarks.)

Mr. INSLEE. Mr. Chairman, on December 7, 1941, our country experimented with parking our airplanes wingtip to wingtip. The experiment failed.

On September 11, 2001, our Nation experimented with the concept of private contractors under government supervision providing security. That experiment failed. We must now end the experiment of private security under government supervision. That experiment failed.

We tonight have been acting as if this was a theoretical discussion. We have had our experiment. The reason the experiment failed is every single time the FAA has tried to clamp down on this poor Swiss cheese process, the lobbyists have come up here and stopped us from requiring certified employees.

I am pleased that we have finally prevailed, the gentleman from Connecticut (Mr. SHAYS), the gentleman from Pennsylvania (Mr. STRICKLAND), and myself, to make sure all checked baggage is screened for explosives.

But we need more than good machines. We need good people. Let us put them in there and pass Ganske-Oberstar.

Mr. OBERSTAR. Mr. Chairman, I am very pleased to yield 2 minutes to the distinguished gentleman from Iowa (Mr. GANSKE), cosponsor of the pending legislation.

Mr. GANSKE. Mr. Chairman, AP News, New York: "Security lapse leads to JFK terminal evacuation. Security agents from the FAA ordered the shutdown and evacuation of part of American Airlines terminal at JFK International Airport this afternoon because they saw checkpoint screeners failing to follow security rules. Jim Peters, the FAA spokesman, said Concourse A and Terminal 8 was evacuated. He said he did not know when it was going to open."

Mr. Chairman, these are the contracted security screeners that we will be voting for if we vote for the Young bill. They will be hired by those private contractors.

Let me read this from a woman I respect very much, a strong conservative. She says, "There are some who argue our security can be assured by tightening standards and providing some more Federal oversight." That is the Young bill. This strong woman con-

servative goes on to say, "We have tried that approach to aviation security many times and it failed horrifically. Why should we set the qualifications, do the training, do the testing, and then ask someone else to do the hiring?" That is the Young bill.

The Federal Government must assume the job of providing security or we have admitted that we are satisfied with the status quo, and thousands of souls will have died for nothing.

Mr. Chairman, this is not a liberal, this is a woman Senator who is a close friend of President Bush.

But do Members know what, this is not about friendship, this is about a duty to the citizens of our country. Vote for the substitute.

## □ 1930

Mr. OBERSTAR. Mr. Chairman, how much time remains on both sides?

The CHAIRMAN. The gentleman from Minnesota (Mr. OBERSTAR) has 5 minutes remaining, and the gentleman from Florida (Mr. MICA) has 4¼ minutes remaining.

Mr. OBERSTAR. Mr. Chairman, may I inquire of the gentleman from Florida (Mr. MICA) how many speakers are on his side.

Mr. MICA. Mr. Chairman, at this time it appears I have two additional speakers.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, the gentleman has the right to close. Would the gentleman like to recognize one of his speakers?

Mr. MICA. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, the proponents of this amendment say that they are going to hire Federal employees to take over the security of our airports. Listen to who they are going to hire. People who are not protected by our civil rights laws. They are not going to even give these employees the protection of fair labor standards. Why should they not have the protection of minimum wage and time and a half for overtime laws? Why is it you do not trust that you could hire Federal employees under all of our fair employment practices, acts, all of our nondiscrimination acts, all of the law that provides family and medical leave? Why do you not think you can hire people who can do screening under those circumstances?

In the private sectors Brinks, Wells-Fargo, Pinkerton, Wackenhut who provide security at weapons factories, they can hire security personnel that also have the right to the protection of our civil rights laws, to the protection of fair labor standards laws, to the protection of the family medical leave law. We know it can be done.

You are giving us a sham bill that says you are going to do this under Federal law. You have to give the Attorney General the right to hire out

from under all of the Federal employment laws that protect working people. It is an outrage.

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of the time.

The CHAIRMAN. The gentleman from Minnesota is recognized for 5 minutes.

Mr. OBERSTAR. Mr. Chairman, we have come to the close of a very agonizing debate, a very fair, very open exchange. But you cannot have it both ways. The last speaker said, you do not have these protections. You do not have all these safeguards for Federal workers. But it was the majority that has said time and again you cannot have Federal workers because it is too hard to fire them. It is too hard to move them around. So we give you the flexibility to write the rules the way you want to do it; and then you come and say, oh, you do not have all the protections. You cannot have it both ways.

We have heard some spurious numbers here. The CBO number estimate is 16,200 screeners. Then there are supervisors and managers and ground coordinators and senior-level security and perimeter security and aircraft security personnel. That is all up to the Department, the Department of Justice or up to the Department of Transportation. You decide. That is the flexibility.

Then I heard them complain, oh, you do not trust the President of the United States to do the right thing. What do you mean? On the other hand they say, you do not have any mandates to make all of these things happen because we do not trust the rule-making.

Now let us cut that stuff out. What we have got before us is the essential issue, the Achilles heel of aviation security.

I served on the Pan Am 103 commission in the aftermath of that tragedy at Lockerbie, Scotland. I stood there with our colleague, John Paul Hammerschmidt, on the edge of that abyss, 14 feet deep, 40 feet wide, 140 feet long where 270 people perished, were vaporized in the crash of that 747. There were 270 people aboard those four aircraft on September 11. History has a way of repeating itself in great tragedy.

In a speech in the Canadian House of Commons, the Honorable Jean Chretien, Prime Minister of Canada, said on the day after the attack, "There are those rare occasions when time seems to stand still, when a singular event transfixes the world, occasions when the dark side of human nature escapes civilized restraint and shows its ugly face to a stunned world. Tuesday, September 11, will forever be etched in memory as a day when time stood still."

He said it eloquently, powerfully. I have waited, I have worked for 11 years to get strong security legislation enacted. We did it in 1990, and then we worked to get the regulation imple-

mented. And then we worked again. We passed new legislation and now we have something on this floor that closes the gap, that shuts down the Achilles heel, a good provision that says we will take strong action. We will put screeners at airport security checkpoints with the badge of Federal Government on their shirt, sworn to uphold the Constitution of the United States and its laws, trained to the highest standards, paid a decent wage. People who will do the right thing.

I want you to pass this bipartisan amendment, and I express my great admiration to the gentleman from Iowa (Mr. GANSKE), who has stood and withstood enormous pressure not to take a principled, honest stand of integrity in what he believes. Because, my friend, never again do I want to look into the eyes of the families of the victims of Pan Am 103; nor do I want any of you to look into the eyes of the families of the victims of September 11 and say, we did it on the cheap. We did not do enough. We did not go far enough. We will try again.

This is the hour of decision. Make your decision tonight. Let this not be a day when time stood still, but a day when time marched ahead in the interest of security for all Americans.

Mr. MICA. Mr. Chairman, how much time remains on our side?

The CHAIRMAN. The gentleman from Florida has 3¼ minutes remaining.

Mr. MICA. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. FOSSELLA).

(Mr. FOSSELLA asked and was given permission to revise and extend his remarks.)

Mr. FOSSELLA. Mr. Chairman, I thank the gentleman for yielding the time.

If there is anybody in this House that wants to ensure that there is an adequate security standard across our airports it is me. On September 11, that we all reference, more than 300 people from my district died, my friends, family and neighbors. I do not want to see that happen again; and in fact, I do not think anybody in this House wants to see that happen again.

Security we can all agree upon, but there is a greater issue right now as I see it; and that is are we going to work together for the good of the American people? Right now, I have heard many times tonight how this is an issue of national security. The President supports the House bill. He does not support the substitute. If this is an issue of national security, do we not want our Commander in Chief participating in this process?

I say move this bill forward, defeat the substitute. If we trust the President of the United States, our Commander in Chief, in a time of war to deploy our men and women in harm's way overseas, then certainly we can trust him to do the right thing for the people of this country on our homeland.

Mr. MICA. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman, I have done everything possible I could do as a representative of the people entrusted with an important matter to work with my chairman, the gentleman from Alaska (Mr. YOUNG), who has done a great job; with the gentleman from Minnesota (Mr. OBERSTAR), ranking member; the gentleman from Illinois (Mr. LIPINSKI), not on a partisan basis, not on the basis of division, but on the basis of issues, on only one driving motivation, and that was to come up with the very best bill possible.

I worked with the gentleman from Minnesota (Mr. OBERSTAR), and my colleague actually introduced a bill, and I think he may offer that as a substitute, not this substitute but at the end of this debate. I did everything humanly possible to try to bring the House together on the best possible security plan, a comprehensive plan.

If I thought for one minute that this substitute would do a better job, I would step forward and support it, because this is too important for partisan politics. It is too important to not have in place the very best protections.

Unfortunately, what the substitute does is it creates a two-tier system. The Attorney General has said it will actually detract from their effort on the war on terrorism and opposes this responsibility being given in a bifurcated fashion to the Department of Justice.

Most importantly, what it does not do is give the ability to put in place immediate rules, and that is part of the problem. The gentleman from Minnesota (Mr. OBERSTAR) knows that. The gentleman from Illinois (Mr. LIPINSKI) knows that. So we end up worse off than we were on September 10. That is wrong.

I plead with my colleagues; I ask them to put partisanship aside, to put these other peripheral issues aside, to do what is best for America, to do what is best for aviation security. I submit that the plan that we worked so hard on together does that.

I urge Members' support. I plead with my colleagues for their support, not for me, not for my party, not for my President but for the American people who deserve nothing less.

Mr. WOLF. Mr. Chairman, I rise in support of the Senate-passed legislation to federalize the nation's airport security that we will have the opportunity to vote on as a substitute to H.R. 3150.

There are 31 families today in our area in northern Virginia devastated by grief from the September 11 attack on the Pentagon.

In the wake of the terrorist attacks on American soil when terrorists turned commercial airliners into missiles of destruction to perpetrate their heinous acts, the people of America are looking to this Congress to make our airports safe and to secure the airplanes that fly across America's skies.

In the aftermath of September 11, we are now waging war against terrorism and America's airports are on the front line. We need to

change the way security is handled at our nation's airports. We cannot continue to contract out to the lowest bidder the safety and security of America's airports and airways.

We must restore confidence in air travel and elevate aviation security to its proper role as a law enforcement function. We must place the security of our airways in the hands of a federal aviation security force under the jurisdiction of the nation's top law enforcement agency—the Department of Justice. The American public deserves nothing less.

Mr. Chairman, good intentions surround both the House and Senate versions of airline safety legislation. The ultimate goal of this legislation from both sides of the aisle and both sides of the Capitol is to elevate safety to the highest level as quickly as possible. But the current way of doing business through privatized security, I believe, has failed to meet safety expectations. We need to make a change.

The Federal Aviation Administration does a good job at air traffic control. That's its function and where its focus should be. But if you ask the Department of Transportation inspector general's office about the FAA's current role in aviation security oversight, you'll get a report card that's woefully inadequate.

If you also ask the DOT inspector general's office about the shortcomings of the current system of private airport security screening operators across the nation, you'll hear horror stories about inadequate background checks, the hiring of illegal aliens, screeners with criminal records, screeners who can't pass basic skills tests required for employment, screeners who can't speak English, screeners who fail to spot dangerous objects. You'll also hear that 87 percent of the baggage screeners at Washington Dulles International Airport aren't U.S. citizens.

You'll also hear the name Argenbright Security. The foreign-based corporation is the largest airport security screener in our nation and is responsible for security at the majority of America's busiest airports. The second and third largest screening contractors also are foreign-owned.

Argenbright was recently ordered to pay over \$1 million in fines and placed on three years probation because it either failed to conduct background checks on convicted felons or forged the actual background checks on checkpoint screeners at Philadelphia International Airport. Just last week a federal judge extended the company's three-year probationary period to five years for violating terms of its probation, including continuing to hire convicted felons, despite certifying that it had conducted new background checks, and violating FAA regulations.

It is interesting to note that Argenbright left the Philadelphia airport last week, a year before its contract was to have expired. In another development, Sky Harbor International Airport in Phoenix evicted Argenbright on October 13 citing criticism of its hiring standards since the September 11 terrorist attacks and the scandal involving Argenbright's activities in Philadelphia.

Argenbright also staffs both Washington Dulles International Airport and Logan International Airport in Boston—two of the airports where hijacked planes took off on September 11. Dulles continues to grow and is presently the fifth busiest airport in America with 1,400 daily takeoffs and landings.

According to the FBI, Argenbright also had the roommate of convicted CIA killer Amal Kansi on its payroll. Kansi was responsible for the bloody CIA shootings in 1993 on Route 123 in northern Virginia outside CIA headquarters, where two people were killed and three were wounded.

His roommate, Zahid Mir, worked for Argenbright from August 1992 to February 1993 in a variety of security positions until he was arrested on immigration charges which ultimately resulted in six months confinement. As an Argenbright Security employee at Dulles Airport, Mir had access to luggage and restricted access areas. It would seem that even a cursory check on Mir would have flagged authorities about his questionable background. I enclose for the RECORD a copy of a letter from the FBI verifying Mir's relationship to Kansi and his work for Argenbright.

I also find it surprising that when a recent head of FAA security left his job, he soon wound up on the Board of Directors of Argenbright Security. What kind of relationship is there between those who are regulating security and those who are performing security?

That question may have been answered in a revealing memo sent this past May from the chief of the FAA's Civil Aviation Security Division—who is leaving his post after being there for less than a year—to FAA managers about the agency's compliance and enforcement philosophy. He said, in part, "...the safety and security of the flying public will depend upon the FAA and industry maintaining a candid, respectful and mutually responsive business relationship. To be effective in this relationship, we need to be flexible."

He continued, "While I expect regulated parties to comply with regulatory requirements, there will be times when we find areas of non-compliance. When we do, I want to fully consider the actions the party has taken to fix the problem. I want to work with the industry to develop action plans to permanently correct problems that have resulted in violations. To encourage industry to join us in this effort I do not expect us to impose a civil penalty against a regulated party for certain unaggravated violations, if we believe the party has successfully implemented a permanent fix that will resolve the security problem and preclude recurrence of future violations...." I enclose for the RECORD the entire text of that memo.

If we learned anything from the devastating attacks of September 11 it is that there is absolutely no room for flexibility, no room for compromise, no room for second chances when it comes to the safety of the flying public.

The track record of private airline screening companies shows they have not performed the job that is demanded. According to a 1998 GAO report, security checkers at Dulles Airport experienced a turnover rate of 90 percent, which was lower than the national average of 126 percent. Boston's Logan Airport had a turnover rate of 207 percent and Atlanta's Hartsfield Airport topped the chart at 375 percent. At these rates, screeners were turning over every couple of months.

As long as security is contracted out, it will always go to the lowest bidder with the cheapest labor pool filing what we can describe today as among the most important security jobs in our country. We must put federal professionals on the front line of air security to ensure a workforce which can enforce total compliance with aviation security laws.

I've heard the arguments that federalizing airport security will create another unnecessary federal agency and that what is needed is just federal supervision of private contractors. In response, I ask our colleagues to consider that in the aftermath of September 11, there is a critical need today more than ever for intelligence sharing among federal agencies. The FBI, the DEA, and the INS already operate under the Department of Justice.

I believe most people would want airport security under the Justice Department where these agencies could share their information in the present climate of heightened security alerts.

I don't believe most people would want federal law enforcement and intelligence agencies to reveal sensitive security information about the national airspace to private contractors.

The best security and law enforcement in the world can be found in our armed forces, the Secret Service, and the FBI—all under the jurisdiction of United States government.

We owe it to the American people to pass the kind of legislation unanimously approved by the U.S. Senate by a vote of 100-0 which assigns the job of enforcing the security laws for our nation's airways to a federal aviation security agency accountable to the public and under the jurisdiction of the Department of Justice.

The events of September 11 have changed us all. The dozens of families in the Washington region who lost loved ones and the thousands in New York, Boston, and Newark and all over the world who also grieve for their mothers and fathers, brothers and sisters, friends and neighbors remind us that we should do everything possible to try to prevent a similar tragedy.

DEPARTMENT OF JUSTICE,  
FEDERAL BUREAU OF INVESTIGATION,  
Washington DC, October 17, 2001.  
Hon. FRANK R. WOLF,  
Chairman, Subcommittee on Commerce, Justice,  
State and Judiciary, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for seeing us last week. I hope the meeting was helpful to you.

With regard to Zahid Mir, as we confirmed to you, he did work at Dulles International Airport, both for News Emporium and for Argenbright Security. He was employed by Argenbright from August 1992 to February 1993 in a variety of security positions. As such, he would have had access to luggage and restricted access areas. His employment at Dulles ended when he was arrested in February 1993 on immigration charges which ultimately resulted in six months confinement.

It is our understanding that Mr. Mir was the roommate of Mir Amal Kansi, the individual convicted in the shooting deaths of several CIA employees.

Sincerely yours,  
JOHN E. COLLINGWOOD,  
Assistant Director,  
Office of Public and Congressional Affairs.

DEPARTMENT OF TRANSPORTATION,  
FEDERAL AVIATION ADMINISTRATION.

## MEMORANDUM

Date: May 29, 2001.

Subject: ACTION: Compliance of enforcement philosophy.

From: Associate Administrator for Civil Aviation Security, ACS-1.

To: Managers, Civil Aviation Security Divisions 700's, Federal Security Managers.

As we work with the aviation industry, it is important to remember that our primary goal as a regulatory agency is to gain compliance. While I know there are circumstances that present difficult choices, it would be helpful to explain our approach to compliance and enforcement issues.

As I outlined in the ACS strategic plan, the safety and security of the flying public will depend upon the FAA and industry maintaining a candid, respectful, and mutually responsive business relationship. To be effective in this relationship, we need to be flexible. While I expect regulated parties to comply with regulatory requirements, there will be times when we find areas of non-compliance. When we do, I want to fully consider the actions the party has taken to fix the problem. I want to work with industry to develop action plans to permanently correct problems that have resulted in violations. To encourage industry to join us in this effort I do not expect us to impose a civil penalty against a regulated party for certain unaggravated violations, if we believe the party has successfully implemented a permanent fix that will resolve the security problem and preclude recurrence of future violations. To answer questions you may have about this new philosophy and how it will work, detailed guidance will be provided to you shortly.

I want to continue to give our partners a realistic opportunity to comply with the regulations and to work with us.

Mrs. MORELLA. Mr. Chairman, I rise today in support of the substitute that would federalize our airport security personnel.

I want to thank Mr. GANSKE for all his diligent work addressing this vital issue for all Americans. Several weeks ago the Senate passed this language by unanimous vote of 100 to 0. This substitute embodies many of the important provisions that would allow the government to take a more active role in providing security for our nation's transportation systems.

It would make all baggage and passenger screeners at 140 of the largest airports, federal employees under the authority of the Department of Justice. The Department of Justice would be responsible for hiring, training, and disciplining the screeners. Additionally, the Attorney General would undertake thorough background checks for all potential screeners.

Additionally, the Department of Justice would establish vigorous standards of training standards for all screeners. 40 hours of classroom training and 60 hours of on-the-job training would be required before security employees could begin working in airports. Flexible security measures for small and medium size airports are provided by allowing screeners at those locations to be federal employees or state or local law enforcement officers.

The substitute addresses the need for more oversight of transportation security. The Attorney General and Secretary of Transportation would be required to report to Congress on the status of airport security measures and

provide recommendations for additional measures that would further enhance air security. This legislation would require the Federal Aviation Administration to report to Congress on the status of background checks for current employees and the training on anti-hijacking measures for all flight and cabin crews. Also, a National Security Coordination Council would be created to help coordinate security and intelligence measures between agencies regarding aviation safety.

Under the substitute, some enhancement of security measures would be visible to all travelers and bring reassurance that American skies are safe again. Armed federal law enforcement personnel would be placed at all screening locations and all baggage, checked or carry-on, would be screened. Secured areas would receive greater security measures to limit access to only authorized personnel through advanced technologies and additional deployment of security personnel at entry points. Also, the substitute would require strengthening of cockpit doors and limit in-flight access to the cockpit.

Some security measures would be unseen, such as the increased number of Department of Transportation Federal Air Marshals. This substitute provides for an expanded Federal Air Marshal program to increase their presence on more domestic flights and on all international flights.

In addition, this substitute addresses concerns about flight training, by requiring flight school students to undergo background checks through the Department of Justice before they can receive training.

Finally, Mr. Chairman, I want to stress the importance of federal employees. Their importance to this nation, as time and time again, they come to the forefront in meeting the needs of America. 20 million men and women work in government service in every city, county and state across America, and in hundreds of cities abroad. My district has over 42,000 public servants working there.

Public servants teach and work in our schools, deliver Social Security and Medicare benefits, fight disease and promote better health, protect our environment and national parks, improve transportation and the quality of our water and food. They fight crime and fire, and help us recover from natural disasters.

They build and maintain our roads, highways and bridges, and help keep our economy stable. They are at work to ensure equal treatment under the law, to defend our freedom, and advance our national interests around the world. Most importantly, they help make America a better place to live, to work, and to raise our families. If federal employees provide these many services to the nation then they certainly are capable of providing security for aviation.

The stellar performance of public servants and increased security measures would allow the government to maintain airport security and help restore America's confidence in the aviation industry, especially with the holiday season rapidly approaching.

I urge all members to vote in favor of this substitute.

Mrs. DAVIS of California. Mr. Chairman, I rise today in strong support of this effort to strengthen the airport security.

Our current airport security system is woefully inadequate.

As we witnessed on September 11th and in the weeks since, our airport screeners are not catching critical threat objects such as knives or guns. A man boarded a Southwest Airlines plane on October 23rd with a gun in his briefcase. Screeners at the Louis Armstrong New Orleans International Airport did not catch the gun when the briefcase was put through a security checkpoint X-ray machine. A man at Dulles International Airport was arrested by an FAA inspector after the inspector saw the man pass through security with a knife in his shoe. The knife did not set-off the metal detectors.

In almost every instance, these breaches of security occur because local screeners are under-trained and underpaid. In order to meet their bottom line in a tight market, airlines have entered into low-bid contracts with security screening companies. As is usually the case, you get what you pay for. Most screening companies pay their workforce the minimum wage. As a result, the average turnover rate for screeners is 126 percent a year nationwide. Ninety percent of all screeners at any given checkpoint have less than six-months experience. This is simply unacceptable.

Passenger and baggage screeners are the front lines of defense against terrorism in the sky. The safety of our family and friends are in their hands. This is why I support federalizing our national airport security system.

By federalizing the system, we will ensure that airport security screeners are: paid a salary that more accurately reflects the skill level of their job; have opportunities for career advancement within the federal government; and pass a federal background check before they are hired or trained.

Higher pay and an opportunity for career advancement will attract and retain a higher caliber of individuals into this important profession.

As we begin to develop this new model for airport security, we must include local airport authorities in the process.

Earlier this week, I met with several representatives of the San Diego Port Authority, which operates the Lindbergh Field Airport in San Diego. They gave me a tour of our local airport security system. We also discussed the practical implications of federalizing screening personnel. It was very clear that these experts know the strengths and weaknesses of their airport better than anyone else.

Rather than reinventing the wheel, the federal government should use this local expertise. As partners, the new federal Transportation Safety Administration and local airport authorities can develop strong, standardized safety procedures that meet the specific logistical needs of every airport. In doing so, the bottom line in airline security shifts from dollars and cents to safety and security.

In just a few short weeks, Americans will travel to be with their families for the holidays. They are counting on us to make the skies safe. We must not let them down. We must act now to remedy the dangerous inconsistencies in our national airport security system. I urge this Congress to pass a strong airport security bill into law.

Mr. TOWNS. Mr. Chairman, I am proud to stand with my colleagues from both sides of the aisle as well as the American Pilots Association and the Flight Attendants Association in support of airline security legislation that will provide all Americans with renewed confidence in the safety of our airplanes. This is

not about politics. This is about safety and reassuring the public that every step that can be taken towards providing safe passage in our skies will be made. I thank the pilots and the flight attendants for their leadership on the front lines in this battle to provide Americans with safe passage. However, it should not be left to pilots and flight attendants to have to protect their passengers from terrorists. We must do more to stop the threat of terrorism from even reaching our planes, freeing pilots and flight attendants to do their respective jobs.

I believe that the only way to truly assure the traveling public as well as the flight crews that everything is being done to eliminate the threat of terrorism is to take the responsibility for airline security out of the hands of third parties. Airline security is national security and our national security must never be contracted out. Several airlines have already taken extraordinary steps on their own and with the encouragement of Secretary Norm Mineta and the Department of Transportation to strengthen cockpit doors and install video monitoring systems. Nevertheless, we must do everything possible to reassure the American people that it is safe to go about the business of flying. On September 11, 2001 the world changed, today, I urge my colleagues to help us take back an important piece of our economy and the American way of life, support bipartisan Airline Security bill.

Mr. BENTSEN. Mr. Chairman, I rise in strong opposition to H.R. 3150 which refuses to provide the public with what they need: full law enforcement protection at airports. Alternatively, I strongly support the Oberstar substitute amendment which uses federal law enforcement officers to ensure sufficient security at the nation's airports.

The overwhelming majority of my constituents demand that airport security be the responsibility of the federal government. After the unforgettable morning of September 11th, I believe Americans will be safer, feel safer, and return to the skies faster when they know that the baggage and passenger screeners are law enforcement officers in the employ of the American people. September 11th exposed the flaws in the current security structure of our airports. The time has come to get the airlines out of the security business and let them focus on the airline business. Just like the Customs Service and Immigration, airport and airline security should be the domain of federal law enforcement.

The House leadership is using several misleading arguments to push H.R. 3150 over a bipartisan bill that passed the Senate 100 to 0. For instance, the House leadership says that employees of private companies can be held more accountable than law enforcement officers because they can be fired more easily. However, S. 1447 clearly waives civil service laws, regulations and protections for airport security employees—making them as easy to discipline or terminate as private employees. The House leadership also says that the requirements for hiring will delay action. I believe we should take difficult action rather than accepting the status quo. However, S. 1447 sets a deadline of one year for the full staffing of the aviation security system by law enforcement.

The House leadership also criticizes the Senate bill because law enforcement officers are often unionized. Did they forget that union-

ized police officers patrol the streets of our states and districts? Did they forget that all members of this body are protected at work every day by the excellent, unionized law enforcement officers of the Capitol Police? America long ago determined that workers have the right to organize and some current private airport security personnel are unionized. I trust our union and non-union law enforcement officers on all levels of government, and I will trust new law enforcement officers at airport security posts across the country.

The most disappointing explanation for the House leadership's position is their fundamental distrust of government. This view of government is not shared by the American people. For example, Americans support and respect our military personnel engaged in complex, dangerous, and vital missions against terrorism around the globe. Americans also support and respect our firefighters, police officers, and emergency personnel around the country. I hope that the House will soon give Americans a chance to support and respect aviation security law enforcement.

In a related misleading argument, the House leadership also claims the size of government will be increased in order to oppose aviation security law enforcement officers. Of course, the cost to government and the taxpayers will be the same regardless of whether the checks go directly from the Treasury to the law enforcement officers or from the Treasury to a contractor and then to the contract employees. It is meaningless whether the size of the federal workforce increases or contracts, what matter is the bill to the taxpayers. Of course the House leadership is trying to hide the fact that the Senate-passed legislation would pay the law enforcement officers with a \$2.50 security fee on each one-way trip, without increasing the cost to the Treasury and therefore the size of the government.

The House leadership also points to public-private security systems in Europe as models for our new system. However, our current security is already handled by the subsidiaries of the companies that operate in Europe. I would also add that the successful aviation security system in Japan is made up of law enforcement officers. Since the House leadership rarely looks to Europe for inspiration on other public policies, I suspect they are getting desperate. While I believe that the private security firms can be capable in many circumstances, I believe Americans will get the largest increases in safety and accountability at airports by using American law enforcement officers.

Basic economics tells us that you get what you pay for. By contracting our airport security personnel to the lowest bidder has resulted in overworked, undertrained, and underpaid personnel. In every other instance, security is a function of public law enforcement. Why should publicly owned airports be any different. We should adopt the Oberstar substitute and provide a real sense of security to the flying public.

I encourage all members to ignore political pressures and vote their conscience on this issue. I am optimistic that we can agree that we want law enforcement, not corporations, to catch criminals in our airports. We have tried contracting out our aviation security, and I do not believe the American people will allow it any further.

Ms. MCCARTHY of Missouri. Mr. Chairman, I rise to support the Ganske-Oberstar sub-

stitute to H.R. 3150, the Secure Transportation for America Act of 2001. The Ganske-Oberstar substitute contains the essential federalization of airport security standards and employees necessary to ensure protection for the flying public. An identical measure, S. 1477, passed the Senate unanimously three weeks ago. We need to act now, in a bipartisan manner, to send the President tonight the language the Senate already agreed to and which can go into effect tomorrow.

Current airport protection is insufficient to protect travelers. We need to increase the number of air marshals on flights, expand antihijacking training for flight crews, fortify cockpit doors, and inspect every bag placed onboard an airplane. Transportation Secretary Mineta stated that new security measures must be done in an effective and consistent manner. To achieve quality uniform standards nationwide, we must federalize passenger screeners and baggage handlers in all our airports. New federal accountability and training will ensure public safety, confidence in travelers, and consistency in enforcement.

The job of an airport security worker is to prevent terrorism from occurring. By federalizing this responsibility, new training and airport policies can be standardized and properly enacted. Airline passengers will have more confidence in our system, and terrorists will not be able to exploit the current weakness of our airports and airlines.

Mr. Chairman, I support the Ganske-Oberstar bipartisan substitute to H.R. 3150, the Secure Transportation for America Act. By passing this landmark legislation we are correcting short comings in our airport security system that should have been enacted following the December 21, 1988 terrorist bombing of Pan Am Flight 103. It is unfortunate that it took an event such as the terrorist hijackings of September 11, 2001 to secure these long overdue reforms. The Ganske-Oberstar substitute will make America safer than it's ever been. There is broad bipartisan support for this substitute, and action is needed now. Let's do what's right for the American people.

Mr. UDALL of New Mexico. Mr. Chairman, I rise today in strong support of Mr. OBERSTAR's substitute amendment to H.R. 3150. As we are all now painfully aware as a result of the hijackings and attacks of September 11, Congress must act to strengthen the level of security on flights and in the airports throughout the country. I believe that Mr. OBERSTAR's amendment most effectively achieves this goal.

Mr. OBERSTAR's amendment is identical to S. 1447, the Aviation Security Act, which passed the Senate 100 to 0 on October 11, 2001. This measure places responsibility for aviation security with the Federal Government to ensure that professional law enforcement agents are in charge of securing the airports and airplanes.

According to the General Accounting Office and the Transportation Department Inspector General, airport security screeners are still often paid less than fast-food workers, which contributes to an average employee turnover rate of more than 120% nationally and more than 400% at some airports. If, when discussing these facts, we were discussing local police officers, U.S. Customs Service Agents, Border Patrol agents or other agents who are tasked with protecting the American People from harm, everybody in this Chamber would



demand reform. It is abundantly clear that these airport screeners are the front line in aviation security and therefore are as important as the thousands of men and women in the other areas of law enforcement and citizen protection.

Mr. Chairman, it is imperative that we turn airplane screeners into a professional, highly skilled, highly trained law enforcement workforce to ensure the best possible security for all airline passengers and crews.

I urge my colleagues to support Mr. OBERSTAR'S substitution amendment.

Ms. LEE. Mr. Chairman, I rise to voice my support for the Democratic substitute offered by Mr. OBERSTAR and Mr. GANSKE.

The events of September 11th have made it critical that this Congress pass legislation that will meet our needs in ensuring safe travel in our skies. This Democratic bill will pull existing security systems up by their roots and improve them dramatically by putting well-trained, professional federal law enforcement agents in charge of airport and airplane security. People want this and they deserve this.

In my district, I have seen first-hand what enhanced security measures can do and have heard about the plans to further strengthen security measures. We must provide the appropriate resources to strengthen and implement expanded aviation security measures, particularly since they must be sustained over a long period of time—this is vital. All baggage and cargo must be screened. This is a basic security measure that should be standard—it could save lives.

Millions of people, customers and workers, have come to rely on airline travel, air cargo, aircraft recreation and tourism, and we have to do all we can to ensure their safety. As we enhance security in our airports and on aircraft, we cannot forget the employees who face layoffs.

A large number of these workers are minorities. They must be given employment priority. They should be afforded the first opportunities to be retrained under these new regulations and they should be provided the first opportunity to enter into our civil society workforce.

As we move to federalize our aviation security, we must ensure that the civil liberties of federal employees and airline passengers will not erode—this includes federal employee protections.

I must also express my concern about the five-year citizenship requirement in this legislation that is not mandated by any other federal agencies. There are many legal residents in this country who vote and pay taxes. If they clear all back ground checks, they must not be discriminated against for these positions. We cannot set a double standard which will have negative ramifications for many aviation security workers.

I am not convinced that this mandate will guarantee the trust worthiness or skill of the screener workforce. Again, I look forward to working with my colleagues to comprehensively assess and remedy this matter as this policy is implemented. We must work together to make our skies safe, boost confidence in the airlines, and help our economy, the American people, and the country.

The Democratic bill will do this—I strongly urge my colleagues to vote "yes" for the Democratic substitute.

Mr. BORSKI. Mr. Chairman, I rise today in strong support of the Democratic Substitute Amendment.

Our current aviation system is broken, which September 11th demonstrated. This substitute legislation will move us toward dramatically improving our current system by securing both our airplanes and airports. Airplanes would increase their cockpit security and add more federal Air Marshals, while airports would screen ALL baggage and these screeners would be well qualified for the task.

Americans deserve better screeners than the ones they have now. A glaring example of just how bad these screeners are took place in my home city, at the Philadelphia International Airport.

In 1998, the Airport notified the Federal Aviation Administration about the questionable background of Argenbright Security employees. An investigation was conducted and the company was ultimately convicted of falsifying employment documents. Argenbright had not conducted the required background checks, issued security badges and consequently hired convicted criminals. Argenbright was fined \$1.2 million dollars and the perpetrators were imprisoned.

Shockingly, it has now been discovered that Argenbright Security is still not conducting proper background checks of its employees, therefore risking the safety of all Americans. This is unacceptable.

If the Philadelphia International Airport had not conducted random audits of the screening firm, none of this would have been discovered. It is not the Airports responsibility to ensure proper screening, it is the security firms, and they have continually failed in their job.

This is just one reason that I firmly believe our nation's airport screeners should be federal employees. Our national security depends on consistent, enforceable aviation security standards that ensure the safety of all Americans.

We would not even consider contracting out for FBI, CIA or Capitol Police employees. We hire trained Federal professionals for these vital positions and we should do the same for our airport screeners.

By hiring Federal Law Enforcement officers to conduct screening, we take a step toward increasing the confidence of our flying public. The sooner we take responsibility for aviation security; the sooner Americans will take to the sky once again.

Mr. Chairman, aviation security is National security and I urge my colleagues to vote in favor of the Democratic Substitute Amendment.

Ms. KILPATRICK. Mr. Chairman, I rise in support of the amendment being offered by the gentleman from Minnesota (Mr. OBERSTAR), and I intend to vote against this bill unless the Oberstar Amendment is incorporated in this bill. The other side of the aisle argues that federalization of passenger and baggage screeners is not in the best interest of promoting an efficient security process at our nation's airports. Covering these jobs under the umbrella of the Federal government, they argue, only makes government unnecessarily bigger and makes it impossible to dismiss Federally-employed security personnel for mal- or misfeasance. Those arguments are bogus, and the leadership of this Chamber should be ashamed of itself for deliberately distorting the terms of the Senate-passed Airline Security bill.

Even if the Senate-passed bill proposed extending federal job protections to passenger

and baggage security personnel, I would have to ask if that would be so bad for the American traveling public. Don't American air passengers deserve to feel as secure in our airports as they do when visiting a Federal courthouse? I suggest they do. Security at our Federal courthouses are provided by the Federal Protective Services, an entity of the Federal government. I submit that air travelers are entitled to the same level of security.

The Senate bill does not provide airport security personnel with the job protections established under the Civil Service System. The bill provides little tolerance for any security employee who fails to perform his or her job thoroughly and accurately. To say that federalization of the airport security workforce will only reward lazy, incompetent, and overpaid security personnel is a total distortion.

Another argument raised by the majority is that the Leadership proposal models the system used in European countries and Israel. I have no disagreement with that argument. The weakness in the assertion, however, is that the same security contractors serving the nation's airports today are the same security contractors found at most international airports.

These contractors may work well overseas but in providing for our homeland security, they have failed. Look at the record. Turnover among initial security personnel exceeds 400 percent at some airports. Contractors fail to conduct criminal background checks on the people they hire. In fact, one company was recently fined for hiring security personnel with prior arrest records. The pattern is clear. Current security contractors hire security personnel at minimum wages to provide the flying public minimum airline security. Do I want these same companies to be rewarded with larger contracts, so they can cover higher overhead costs because of stricter requirements?

No! The private sector has failed to make America's air transport system secure, and it is now the responsibility of the Federal government to ensure the security of our airports.

Another aspect of H.R. 3150 which I find particularly offensive is a provision that will exempt all corporate interests from liability from the September 11 assault. The families and survivors of the World Trade Center and the Pentagon tragedies will have little recourse to seek accountability for the negligent acts of a corporation which may have encouraged the terrorists to succeed in prosecuting their attacks on innocent Americans. In other words, this bill will protect even a private airport baggage screening company that may ultimately be found to have recklessly allowed a breakdown in security protocols.

In early October, this body passed the Air Transportation System Stabilization Act. I opposed that bill because it represented a bailout of the airline industry and a Federal wage protection program for highly paid airline executives. It did NOTHING for rank and file airline industry employees dislocated in the wake of September 11 attack. Once again, the Leadership is sponsoring a bill that rewards corporate interests and ignores the wage replacement and health insurance coverage needs of dislocated airline workers.

Mr. Chairman, this bill does little to restore the passengers' confidence in the safety and security of the national air transport system, and it protects corporate interests for past failures to protect the air traveling public. For

these reasons, Mr. Chairman, I urge my colleagues to support the amendment by Mr. OBERSTAR and, failing that, oppose the passage of the underlying bill, H.R. 3150.

Ms. McCOLLUM. Mr. Chairman, I rise today in support of the Democratic substitute to strengthen the security measures at our nation's airports and in our nation's skies. It is critical that we pass aviation security legislation that protects our national security, ensures passenger safety, and restores America's confidence in our aviation system.

Our nation has taken significant steps to appropriately respond to the events of September 11th, and I am proud of how Congress has worked together in our war against terrorism. Now, however, we must take the necessary step of making the federal government directly responsible for protecting airline passengers and ensuring that air travel anywhere in the United States complies with the most stringent safety standards and regulations.

Aviation security is a matter of national security and the United States doesn't "contract out" the security forces that defend and protect our nation. We would never consider contracting out the duties of the U.S. Customs Service, Border Patrol or local police departments, and it makes no sense to do so with airport screeners, who act as the front line in aviation security.

Safety at our nation's airports is of critical importance. I support the appropriate federalized role of placing federal security personnel and equipment in every American airport. A professionally trained security force with a national screening and oversight standard is absolutely necessary to give confidence to air travelers and airline industry employees.

Securing our nation's airspace allows travelers to not only take advantage of the benefits and ease of air service, but is at the core of our 21st Century economy. A strong aviation system also has a major secondary commercial impact—through travel agencies, taxi and chauffeur services, and the hospitality sector, to name a few. Restoring faith in our nation's aviation system is essential to commercial health and vitality.

In the past, Congress has passed aviation security measures but failed to fully implement them. It is clear we must go farther now. Anything approaching the status quo is absolutely not acceptable. In the end, we must be able to look back on this debate and know that despite our differences in the process, we have achieved one common goal: a stronger, safer national aviation system.

Mr. UNDERWOOD. Mr. Chairman, after weeks of delay I am pleased that the House leadership has finally decided to act on this vitally important issue, that of improving the security at our nation's airports, but I am disappointed that they have chosen to move forward with a bill that squanders our opportunity to make a substantive difference in enhancing aviation safety and security. Tonight, we have a chance to do this right and that is why I rise in opposition to the underlying bill, H.R. 3150, and in strong support of Mr. Oberstar's substitute amendment. The fundamental flaw with H.R. 3150 as brought to this floor is that it comes up short of restoring America's confidence in the security of our airports and airplanes. The bill fails to reassure the public that it is safe to fly and that is why I urge passage of the Oberstar substitute, a measure which is identical to S. 1447, the Aviation Security Act,

passed unanimously by the Senate three weeks ago.

The Oberstar substitute would place responsibility for aviation security with the Federal Government to ensure that professional law enforcement agents are in charge of securing our nation's airports. A competent, well equipped, well trained, and well qualified law enforcement force is what is so desperately needed to restore the confidence of the American public in flying. In addition, the Oberstar substitute would increase the placement of Federal Air Marshals on both domestic and international flights, enhance cockpit security, and provide airline crews with intensive counter-terrorism training. Mr. Speaker, this bipartisan aviation security substitute amendment would remedy one of the most major identified problems with the current airport security system, that of low wages and high turnover amongst security screeners. Ensuring higher pay for and job stability amongst security screeners would improve the competency and control of airport security.

Mr. Chairman, as the Delegate from Guam, I represent a community whose economy is significantly dependent on tourism. Our tourism industry is unavoidably linked to and driven by the airline industry, and without its efficient and consistent functioning, our economy suffers. Our potential visitors must and need to feel safe in flying, or else they will forfeit their travel experiences. For those of us who live in Guam or the other insular areas, travel by air is our way to and from the mainland for business, for pleasure, or to see loved ones. It is our duty, it is our responsibility to ensure their safety and to restore their confidence in flying. I urge adoption of the Oberstar substitute.

Mr. MICA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Minnesota (Mr. OBERSTAR).

The question was taken; and the Chairman announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. OBERSTAR. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 214, noes 218, not voting 1, as follows:

[Roll No. 423]

#### AYES—214

Abercrombie	Boyd	Davis (IL)
Ackerman	Brady (PA)	DeFazio
Allen	Brown (FL)	DeGette
Andrews	Brown (OH)	Delahunt
Baca	Capps	DeLauro
Baird	Capuano	Deutsch
Baldacci	Cardin	Dicks
Baldwin	Carson (IN)	Dingell
Barcia	Carson (OK)	Doggett
Barrett	Clay	Dooley
Becerra	Clayton	Doyle
Bentsen	Clement	Edwards
Berkley	Clyburn	Emerson
Berman	Condit	Engel
Berry	Conyers	Eshoo
Bishop	Costello	Etheridge
Blumenauer	Coyne	Evans
Bonior	Crowley	Farr
Borski	Cummings	Fattah
Boswell	Davis (CA)	Filner
Boucher	Davis (FL)	Ford

Frank	Luther	Roemer
Frost	Lynch	Ross
Ganske	Maloney (CT)	Rothman
Gephardt	Maloney (NY)	Roukema
Gonzalez	Markey	Royal-Allard
Gordon	Mascara	Rush
Green (TX)	Matheson	Sabo
Hall (OH)	Matsui	Sanchez
Harman	McCarthy (MO)	Sanders
Hastings (FL)	McCarthy (NY)	Sandlin
Hill	McCollum	Sawyer
Hilliard	McDermott	Schakowsky
Hinchey	McGovern	Schiff
Hinojosa	McIntyre	Scott
Hoeffel	McKinney	Serrano
Holden	McNulty	Sherman
Holt	Meehan	Shows
Honda	Meek (FL)	Skelton
Hooley	Meeks (NY)	Slaughter
Hoyer	Menendez	Smith (NJ)
Inslee	Millender	Smith (WA)
Israel	McDonald	Snyder
Jackson (IL)	Miller, George	Solis
Jackson-Lee	Mink	Spratt
(TX)	Mollohan	Stark
Jefferson	Moore	Stenholm
John	Moran (VA)	Strickland
Johnson, E.B.	Morella	Stupak
Jones (OH)	Murtha	Tanner
Kanjorski	Nadler	Tauscher
Kaptur	Napolitano	Taylor (MS)
Kennedy (RI)	Neal	Thompson (CA)
Kildee	Oberstar	Thompson (MS)
Kilpatrick	Obey	Thurman
Kind (WI)	Oliver	Tierney
Kleczka	Owens	Towns
Kucinich	Pallone	Turner
LaFalce	Pascarell	Udall (CO)
Lampson	Pastor	Udall (NM)
Langevin	Payne	Velázquez
Lantos	Pelosi	Visclosky
Larsen (WA)	Peterson (MN)	Waters
Larson (CT)	Phelps	Watson (CA)
Leach	Pomeroy	Watt (NC)
Lee	Price (NC)	Waxman
Levin	Rahall	Weiner
Lewis (GA)	Ramstad	Wexler
Lipinski	Rangel	Wolf
Lofgren	Reyes	Woolsey
Lowe	Rivers	Wu
Lucas (KY)	Rodriguez	Wynn

#### NOES—218

Aderholt	Davis, Tom	Hobson
Akin	Deal	Hoekstra
Armey	DeLay	Horn
Bachus	DeMint	Hostettler
Baker	Diaz-Balart	Houghton
Ballenger	Doolittle	Hulshof
Barr	Dreier	Hunter
Bartlett	Duncan	Hyde
Barton	Ehlers	Isakson
Bass	Ehrlich	Issa
Bereuter	English	Istook
Biggart	Everett	Jenkins
Bilirakis	Ferguson	Johnson (CT)
Blagojevich	Flake	Johnson (IL)
Blunt	Fletcher	Johnson, Sam
Boehlert	Foley	Jones (NC)
Boehner	Forbes	Keller
Bonilla	Fossella	Kelly
Bono	Frelinghuysen	Kennedy (MN)
Brady (TX)	Galleghy	Kerns
Brown (SC)	Gekas	King (NY)
Bryant	Gibbons	Kingston
Burr	Gilchrest	Kirk
Burton	Gillmor	Knollenberg
Buyer	Gilman	Kolbe
Callahan	Goode	LaHood
Calvert	Goodlatte	Largent
Camp	Goss	Latham
Cannon	Graham	LaTourette
Cantor	Granger	Lewis (CA)
Capito	Graves	Lewis (KY)
Castle	Green (WI)	Linder
Chabot	Greenwood	LoBiondo
Chambliss	Grucci	Lucas (OK)
Coble	Gutierrez	Manzullo
Collins	Gutknecht	McCrery
Combest	Hall (TX)	McHugh
Cooksey	Hansen	McInnis
Cox	Hart	McKeon
Cramer	Hastert	Mica
Crane	Hastings (WA)	Miller, Dan
Crenshaw	Hayes	Miller, Gary
Cubin	Hayworth	Miller, Jeff
Culberson	Hefley	Moran (KS)
Cunningham	Herger	Myrick
Davis, Jo Ann	Hilleary	Nethercutt

Ney	Rogers (MI)	Tancredo
Northup	Rohrabacher	Tauzin
Norwood	Ros-Lehtinen	Taylor (NC)
Nussle	Royce	Terry
Ortiz	Ryan (WI)	Thomas
Osborne	Ryun (KS)	Thornberry
Ose	Saxton	Thune
Otter	Schaffer	Tiahrt
Oxley	Schrock	Tiberi
Paul	Sensenbrenner	Toomey
Pence	Sessions	Trafficant
Peterson (PA)	Shadegg	Upton
Petri	Shaw	Vitter
Pickering	Shays	Walden
Pitts	Sherwood	Walsh
Platts	Shimkus	Wamp
Pombo	Shuster	Watkins (OK)
Portman	Simmons	Watts (OK)
Pryce (OH)	Simpson	Weldon (FL)
Putnam	Skeen	Weldon (PA)
Quinn	Smith (MI)	Weller
Radanovich	Smith (TX)	Whitfield
Regula	Souder	Wicker
Rehberg	Stearns	Wilson
Reynolds	Stump	Young (AK)
Riley	Sununu	Young (FL)
Rogers (KY)	Sweeney	

## NOT VOTING—1

Dunn

□ 1959

Mrs. MYRICK, Mr. BASS and Mr. RADANOVICH changed their vote from "aye" to "no."

Ms. SOLIS changed her vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

□ 2000

The CHAIRMAN. Under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. THORNBERRY) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3150) to improve aviation security, and for other purposes, pursuant to House Resolution 274, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

## MOTION TO RECOMMIT OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman from Minnesota opposed to the bill?

Mr. OBERSTAR. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBERSTAR moves to recommit the bill H.R. 3150 to the Committee on Transportation and Infrastructure with instructions

to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; AMENDMENTS TO TITLE 49, UNITED STATES CODE.**

(a) SHORT TITLE.—This Act may be cited as the "Transportation Security Enhancement Act of 2001".

(b) AMENDMENTS TO TITLE 49, UNITED STATES CODE.—Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

**SEC. 2. TRANSPORTATION SECURITY ADMINISTRATION.**

(a) IN GENERAL.—Chapter 1 is amended by adding at the end the following:

**"§ 114. Transportation Security Administration"**

"(a) IN GENERAL.—The Transportation Security Administration shall be an administration of the Department of Transportation.

"(b) UNDER SECRETARY.—

"(1) APPOINTMENT.—The head of the Administration shall be the Under Secretary of Transportation for Security. The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) QUALIFICATIONS.—The Under Secretary must—

"(A) be a citizen of the United States; and

"(B) have experience in a field directly related to transportation or security.

"(3) TERM.—The term of office of an individual appointed as the Under Secretary shall be 5 years.

"(c) LIMITATION ON PECUNIARY INTERESTS.—The Under Secretary may not have a pecuniary interest in, or own stock in or bonds of, a transportation or security enterprise, or an enterprise that makes equipment that could be used for security purposes.

"(d) FUNCTIONS.—The Under Secretary shall be responsible for security in all modes of transportation, including—

"(1) carrying out chapter 449, and section 40119, relating to civil aviation security; and

"(2) security responsibilities over nonaviation modes of transportation that are exercised by Administrations of the Department of Transportation (other than the Federal Aviation Administration).

"(e) ADDITIONAL DUTIES AND POWERS.—In addition to carrying out the functions specified in subsection (d), the Under Secretary shall—

"(1) receive, assess, and distribute intelligence information related to transportation security;

"(2) assess threats to transportation;

"(3) develop policies, strategies, and plans for dealing with threats to transportation security;

"(4) make other plans related to transportation security, including coordinating countermeasures with appropriate departments, agencies, and instrumentalities of the United States Government;

"(5) serve as the primary liaison for transportation security to the intelligence and law enforcement communities;

"(6) on a day-to-day basis, manage and provide operational guidance to the field security resources of the Administration, including Federal Security Managers as provided by section 44933;

"(7) enforce security-related regulations and requirements;

"(8) identify and undertake research and development activities necessary to enhance transportation security;

"(9) inspect, maintain, and test security facilities, equipment, and systems;

"(10) ensure the adequacy of security measures for the transportation of mail and cargo;

"(11) oversee the implementation, and ensure the adequacy, of security measures at airports;

"(12) oversee the implementation, and ensure the adequacy, of background checks for airport security screening personnel, individuals with unescorted access to secure areas of airports, and other transportation security personnel;

"(13) develop standards for the hiring, training, and retention of airport security screening personnel; and

"(14) carry out such other duties, and exercise such other powers, relating to transportation security as the Under Secretary considers appropriate, to the extent authorized by law.

"(f) ACQUISITIONS.—

"(1) IN GENERAL.—The Under Secretary is authorized—

"(A) to acquire (by purchase, lease, condemnation, or otherwise) such real property, or any interest therein, within and outside the continental United States, as the Under Secretary considers necessary;

"(B) to acquire (by purchase, lease, condemnation, or otherwise) and to construct, repair, operate, and maintain such personal property (including office space and patents), or any interest therein, within and outside the continental United States, as the Under Secretary considers necessary;

"(C) to lease to others such real and personal property and to provide by contract or otherwise for necessary facilities for the welfare of employees of the Administration and to acquire maintain and operate equipment for these facilities;

"(D) to acquire (by purchase, lease, condemnation, or otherwise) and to construct, repair, operate, and maintain research and testing sites and facilities; and

"(E) in cooperation with the Administrator of the Federal Aviation Administration and the heads of other Administrations in the Department of Transportation, to utilize the research and development facilities of those Administrations, including the facilities of the Federal Aviation Administration located in Atlantic City, New Jersey.

"(2) TITLE.—Title to any property or interest therein acquired pursuant to this subsection shall be held by the Government of the United States.

"(g) TRANSFERS OF FUNDS.—The Under Secretary is authorized to accept transfers of unobligated balances and unexpended balances of funds appropriated to other Federal agencies (as such term is defined in section 551(1) of title 5) to carry out functions transferred, on or after the date of enactment of this section, by law to the Under Secretary.

"(h) REGULATIONS.—

"(1) IN GENERAL.—The Under Secretary is authorized to issue, rescind, and revise such regulations as are necessary to carry out the functions of the Administration.

"(2) FACTORS TO CONSIDER.—In determining whether to issue, rescind, or a revise a regulation under this section, the Under Secretary shall consider, as one factor in the final determination, whether the costs of the regulation are excessive in relation to the enhancement of security the regulation will provide. In making such determination, the Under Secretary shall not undertake a cost benefit analysis that places a monetary value on human life or attempts to estimate the number of lives that will be saved by the regulation.

"(3) LIMITATION.—The Under Secretary shall not decide against issuing a regulation under this section because the regulation fails to satisfy a quantitative cost-benefit test.

“(4) EMERGENCY PROCEDURES.—

“(A) IN GENERAL.—Notwithstanding any other provision of law or executive order (including an executive order requiring a cost-benefit analysis) if the Under Secretary determines that a regulation or security directive must be issued immediately in order to protect transportation security, the Under Secretary shall issue the regulation or security directive without providing notice or an opportunity for comment.

“(B) REVIEW BY TRANSPORTATION SECURITY OVERSIGHT BOARD.—Any regulation or security directive issued under this paragraph shall remain effective unless disapproved by the Transportation Security Oversight Board established under section 44951 or rescinded by the Under Secretary.

“(i) PERSONNEL AND SERVICES; COOPERATION BY UNDER SECRETARY.—In carrying out the functions of the Administration, the Under Secretary shall have the same authority as is provided to the Administrator of the Federal Aviation Administration under subsections (l) and (m) of section 106.

“(j) ACQUISITION MANAGEMENT SYSTEM.—The acquisition management system established by the Administrator of the Federal Aviation Administration under section 40110 shall apply to acquisitions of equipment and materials by the Transportation Security Administration, except that subject to the requirements of such section, the Under Secretary may make such modifications to the acquisition management system with respect to such acquisitions of equipment and materials as the Under Secretary considers appropriate.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 is amended by adding at the end the following:

“114. Transportation Security Administration.”.

(c) POSITION OF UNDER SECRETARY IN EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

“The Under Secretary of Transportation for Security”.

(d) REFERENCES TO FAA IN CHAPTER 449.—Chapter 449 is amended—

(1) in section 44904(b)(5) by striking “the Administration” and inserting “the Transportation Security Administration”;

(2) in the second sentence of section 44913(a)(1) by striking “of the Administration” and inserting “of the Transportation Security Administration”;

(3) in section 44916(a)—

(A) in the first sentence by striking “Administrator” and inserting “Under Secretary of Transportation for Security”; and

(B) in the second sentence by striking “Administration” and inserting “Transportation Security Administration”;

(4) in each of sections 44933(a) and 44934(b) by striking “Assistant Administrator for Civil Aviation Security” and inserting “Under Secretary”;

(5) in section 44934(b)(1) by striking “Assistant Administrator” and inserting “Under Secretary”;

(6) by striking sections 44931 and 44932 and the items relating to such sections in the analysis for such chapter;

(7) by striking “Administrator” each place it appears in such chapter (except in subsections (f) and (h) of section 44936) and inserting “Under Secretary”;

(8) by striking “Administrators” each place it appears in such chapter and inserting “Under Secretary’s”; and

(9) by striking “of the Federal Aviation Administration” each place it appears in such chapter (except in section 44936(f)) and inserting “of Transportation for Security”.

**SEC. 3. REVIEW AND RECOMMENDATION.**

(a) COMMENCEMENT OF REVIEW.—Not later than 6 months after the date of enactment of this Act, the President shall commence a review of whether security would be enhanced by transfer of the Transportation Security Administration to another Department or Office in the United States Government.

(b) REPORT.—Not later than 1 year after the date of enactment, the President shall report to Congress on the conclusions reached in the review and on recommendations for any legislation needed to carry out a recommended change.

**SEC. 4. IMPROVED PASSENGER SCREENING PROCESS.**

Section 44901 of title 49, United States Code, is amended to read as follows:

**“§ 44901. Screening passengers and property**

“(a) IN GENERAL.—The Under Secretary of Transportation for Security shall be responsible for the screening of all passengers and property that will be carried in an aircraft in air transportation or intrastate air transportation and for issuing implementing regulations. The screening must take place before boarding of such passengers and loading of property and be carried out by security screening personnel using equipment and processes approved for that purpose by the Under Secretary.

“(b) FEDERAL SECURITY SCREENING PERSONNEL.—Except as provided in subsection (c), the Under Secretary shall carry out the screening function under subsection (a) using—

“(1) employees of the Transportation Security Administration who are citizens of the United States; or

“(2) employees of another department, agency, or instrumentality of the United States Government who are citizens of the United States, with the consent of the head of the department, agency, or instrumentality.

“(c) TRANSITION PERIOD.—

“(1) IN GENERAL.—As soon as practicable, but not later than the last day of the 1-year period beginning on the date of enactment of the Transportation Security Enhancement Act of 2001, the Under Secretary shall carry out the screening function under subsection (a) using solely Federal security screening personnel described in subsection (b). In such 1-year period, screening functions may be performed by personnel other than Federal security screening personnel (including personnel provided by a contractor under an agreement with the Under Secretary). During such 1-year period, the Under Secretary shall begin to assign Federal security screening personnel to airports as soon as practicable.

“(2) RESPONSIBILITIES OF AIR CARRIERS.—In the 1-year period referred to in paragraph (1), until otherwise directed by the Under Secretary, an air carrier, intrastate air carrier, or foreign air carrier shall continue to carry out the screening of passengers and their property in accordance with the requirements of this section (including regulations issued to carry out this section), as in effect on the day before the date of enactment of the Transportation Security Enhancement Act of 2001. During the period in which carriers continue to be responsible for such screening, the Under Secretary shall use Federal security screening personnel to supplement the screening personnel provided by the carriers and oversee the screening process as necessary to ensure the safety and security of operations.

“(3) ASSIGNMENT OF CONTRACTS.—Upon request of the Under Secretary, an air carrier, intrastate air carrier, or foreign air carrier carrying out a screening function described in subsection (a) may enter into an agree-

ment with the Under Secretary to transfer any contract the carrier has entered into with respect to carrying out such function. In entering into any such agreement, the Under Secretary shall include such terms and conditions as are necessary to ensure that the Under Secretary has the authority to oversee performance of the contractor, to supervise personnel carrying out screening at an airport, and to require the replacement of unsatisfactory personnel.”.

**SEC. 5. SPECIAL PERSONNEL SYSTEM FOR SCREENERS.**

(a) DEVELOPMENT.—The Under Secretary of Transportation for Security shall develop a personnel system for screeners employed by the Transportation Security Administration governing such matters as their compensation and benefits and the authority of the Administration to suspend or terminate such employees.

(b) GUIDING PRINCIPLES.—In developing the personnel system, the Under Secretary—

(1) shall not be required to follow laws and regulations governing Federal civil service employees or other Federal employees; and

(2) shall be guided by the following principles:

(A) the need to establish levels of compensation which will attract employees with competence and expertise comparable to other Federal inspectors and law enforcement personnel;

(B) the need for the Administration to have suspension and termination authority which will ensure that security will not be compromised and that the screener work force will be composed of employees with a high level of competence and dedication to their responsibilities; and

(C) the need for employees to be protected against arbitrary or unsubstantiated decisions which result in the permanent loss of their jobs; except that the Under Secretary shall ensure that the procedures developed to protect employees are consistent with the need to maintain security at all times and, in establishing the procedures, shall consider the procedures established in private sector firms for employees with important safety and security responsibilities.

**SEC. 6. SECURITY PROGRAMS.**

Section 44903(c) is amended—

(1) in the first sentence of paragraph (1) by inserting after “at each of those airports” the following: “, including at each location at those airports where passengers are screened.”;

(2) in paragraph (2)(C)(i) by striking “shall issue an amendment to air carrier security programs to require” and inserting “shall require”; and

(3) by adding at the end the following:

“(3) ANNUAL REVIEW AND APPROVAL.—On an annual basis, the Administrator shall review, and approve or disapprove, the security program of an airport operator.”.

**SEC. 7. EMPLOYMENT STANDARDS AND TRAINING.**

(a) EMPLOYMENT STANDARDS.—Section 44935(a) is amended—

(1) in the first sentence by inserting “, personnel (including Federal employees) who screen passengers and property,” after “air carrier personnel”;

(2) by striking “and” at the end of paragraph (4);

(3) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(4) by adding at the end the following:

“(6) citizenship requirements, including requirements consistent with section 44901(b), when appropriate;

“(7) minimum compensation levels, when appropriate;

“(8) a preference for the hiring of any individual who is employed as an airport security screener on the date of enactment of the

Transportation Security Enhancement Act of 2001 and is qualified for the position; and

“(9) a preference for the hiring of any individual who is a former employee of an air carrier and whose employment with the air carrier was terminated as a result of a reduction in the workforce of the air carrier and is qualified for the position.”.

(b) **EMPLOYMENT STANDARDS FOR SCREENERS.**—Section 44935 is amended by adding at the end the following:

“(g) **TRAINING FOR ALL SCREENERS, SUPERVISORS, AND INSTRUCTORS.**—

“(1) **IN GENERAL.**—The Under Secretary shall require any individual who screens passengers and property pursuant to section 44901, and the supervisors and instructors of such individuals, to have satisfactorily completed all initial, recurrent, and appropriate specialized training necessary to ensure compliance with the requirements of this section.

“(2) **ON-THE-JOB PORTION OF SCREENER'S TRAINING.**—Notwithstanding paragraph (1), the Under Secretary may permit an individual, during the on-the-job portion of training, to perform security functions if the individual is closely supervised and does not make independent judgments as to whether persons or property may enter secure areas or aircraft or whether cargo or mail may be loaded aboard aircraft without further inspection.

“(3) **EFFECT OF SCREENER'S FAILURE OF OPERATION TEST.**—The Under Secretary may not allow an individual to perform a screening function after the individual has failed an operational test related to that function until the individual has successfully completed remedial training.”.

(c) **MINIMUM EMPLOYMENT STANDARDS FOR SCREENING PERSONNEL.**—Beginning on the 30th day following the date of enactment of this Act, subject to subsection (d), the following requirements, at a minimum, shall apply to an individual (including a Federal employee) who screens passengers or property, or both (in this subsection referred to as a “screener”).

(1) **EDUCATION.**—A screener shall have a high school diploma, a general equivalency diploma, or a combination of education and experience that the Under Secretary has determined to have equipped the individual to perform the duties of the screening position.

(2) **BASIC APTITUDES AND PHYSICAL ABILITIES.**—A screener shall have basic aptitudes and physical abilities (including color perception, visual and aural acuity, physical coordination, and motor skills) and shall have—

(A) the ability to identify the components that may constitute an explosive or an incendiary device;

(B) the ability to identify objects that appear to match those items described in all current regulations, security directives, and emergency amendments;

(C) for screeners operating X-ray and explosives detection system equipment, the ability to distinguish on the equipment monitors the appropriate images;

(D) for screeners operating any screening equipment, the ability to distinguish each color displayed on every type of screening equipment and explain what each color signifies;

(E) the ability to hear and respond to the spoken voice and to audible alarms generated by screening equipment in an active checkpoint or other screening environment;

(F) for screeners performing manual searches or other related operations, the ability to efficiently and thoroughly manipulate and handle such baggage, containers, cargo, and other objects subject to security processing;

(G) for screeners performing manual searches of cargo, the ability to use tools that allow for opening and closing boxes, crates, or other common cargo packaging;

(H) for screeners performing screening of cargo, the ability to stop the transfer of suspect cargo onto passenger air carriers; and

(I) for screeners performing pat-down or hand-held metal detector searches of persons, sufficient dexterity and capability to thoroughly conduct those procedures over a person's entire body.

(3) **COMMAND OF ENGLISH LANGUAGE.**—A screener shall be able to read, speak, write, and understand the English language well enough to—

(A) carry out written and oral instructions regarding the proper performance of screening duties;

(B) read English language identification media, credentials, airline tickets, documents, air waybills, invoices, and labels on items normally encountered in the screening process;

(C) provide direction to and understand and answer questions from English-speaking persons undergoing screening or submitting cargo for screening; and

(D) write incident reports and statements and log entries into security records in the English language.

(d) **MORE STRINGENT EMPLOYMENT STANDARDS.**—The Under Secretary of Transportation for Security has the authority to impose at any time more stringent requirements to individuals referred to in subsection (c) than those minimum requirements in subsection (c).

#### **SEC. 8. DEPLOYMENT OF FEDERAL AIR MARSHALS.**

(a) **IN GENERAL.**—Subchapter I of chapter 449 is amended by adding at the end the following:

##### **“§ 44917. Deployment of Federal air marshals**

“(a) **IN GENERAL.**—The Under Secretary of Transportation for Security under the authority provided by section 44903(d) shall—

“(1) provide for appropriate deployment of Federal air marshals on passenger flights of air carriers in air transportation or intrastate air transportation;

“(2) provide for appropriate background and fitness checks for candidates for appointment as Federal air marshals;

“(3) provide for appropriate training, supervision, and equipment of Federal air marshals;

“(4) require air carriers providing flights described in paragraph (1) to provide seating for a Federal air marshal on any such flight without regard to the availability of seats on the flight;

“(5) establish procedures to ensure that Federal air marshals are made aware of any armed or unarmed law enforcement personnel on a flight;

“(6) establish a program to permit Federal, State, and local law enforcement officers to be trained to participate in the Federal air marshals program of the Administration as volunteers when such officers are otherwise traveling in an aircraft operated by an air carrier; and

“(7) in establishing the qualifications for positions as Federal air marshals, establish a maximum age for initial employment which is high enough to allow qualified retiring law enforcement officials to fill such positions.

“(b) **FLIGHTS IN FOREIGN AIR TRANSPORTATION.**—The Under Secretary shall work with appropriate aeronautic authorities of foreign governments under section 44907 to address security concerns on passenger flights in foreign air transportation.

“(c) **INTERIM MEASURES.**—Until the Under Secretary completes implementation of subsection (a), the Under Secretary may use,

after consultation with the heads of other Federal agencies and departments, personnel from those agencies and departments, on a reimbursable or nonreimbursable basis, to provide air marshal service.”.

(b) **CONFORMING AMENDMENT.**—The analysis for chapter 449 is amended by adding after the item relating to section 44916 the following:

“44917. Deployment of Federal air marshals.”.

#### **SEC. 9. ENHANCED SECURITY MEASURES.**

(a) **IN GENERAL.**—Subchapter I of chapter 449 is further amended by adding at the end the following:

##### **“§ 44918. Enhanced security measures**

“(a) **IN GENERAL.**—The Under Secretary of Transportation shall take the following actions to enhance aviation security:

“(1) After consultation with the Administrator of the Federal Aviation Administration, develop and implement methods to—

“(A) restrict the opening of a cockpit door during a flight;

“(B) modify cockpit doors to deny access from the cabin to the cockpit;

“(C) use video monitors or other devices to alert pilots in the cockpit to activity in the cabin; and

“(D) ensure continuous operation of an aircraft transponder in the event of an emergency.

“(2) Provide for the installation of technology in an aircraft cabin to enable flight crews to discreetly notify the pilots in the case of a security breach occurring in the cabin.

“(3) Enhance security for secured areas of airports, including—

“(A) requiring screening of all persons, vehicles, and other equipment before entry into a secured area;

“(B) requiring catering companies and other companies whose employees have access to a secured area to develop security programs;

“(C) requiring that all persons, including persons who are accompanied by persons holding an identification card, seeking access to a secured area be issued identification cards, following background checks, criminal history record checks, and checks of Federal security databases;

“(D) revalidating approvals of all persons previously authorized to entered a secured area, including full background and criminal history record checks and checks of Federal security databases;

“(E) maximizing use of enhanced technology, such as biometrics, to positively verify the identity of persons entering a secured area; and

“(F) improving procedures to ensure that identification cards which are revoked cannot be utilized.

“(4) Develop alternative sources of explosive detection equipment for screening baggage, mail, and cargo and maximize the use of such equipment by ensuring that equipment already installed at an airport is used to its full capacity and by developing and implementing a program to purchase additional equipment so that, not later than 3 years after the date of enactment of this section, all baggage, mail, and cargo will be inspected by such equipment.

“(5) Establish a uniform system of identification for all State and local law enforcement personnel to use in obtaining permission to carry weapons in aircraft cabins and in obtaining access to a secured area of an airport.

“(6) Work with intelligence and law enforcement agencies to develop procedures to ensure that air carrier and airport systems

have necessary law enforcement and national security intelligence data, to enhance the effectiveness of their security programs.

“(7) Ensure that the Computer Assisted Passenger Pre-Screening System of the Transportation Security Administration includes necessary intelligence information, is used to evaluate all passengers before they board an aircraft, and includes procedures to ensure that selectees of such system and their carry-on and checked baggage are adequately screened.

“(8) Restrict carry-on baggage to one piece of carry-on baggage, plus one personal item, per passenger (including children under the age of 2); except exempt any child safety seat to be used during a flight to restrain a child passenger under 40 pounds or 40 inches and any assistive device for a disabled passenger.

“(9) After consultation with the Administrator of the Federal Aviation Administration, develop procedures and authorize equipment for flight crews and cabin crews to use to defend an aircraft against acts of violence or piracy.

“(10) Develop realistic crew training programs as follows:

“(A) No later than 30 days after the date of enactment of this paragraph and in consultation with the Federal Aviation Administration, appropriate law enforcement, security, and terrorism experts, and air carrier, pilot, and flight attendant representatives, develop a realistic crew training program to prepare crew members for current threat conditions.

“(B) Require air carriers to train all crew members not later than 60 days after such date of enactment.

“(C) Required crew training shall include, but not be limited to—

“(i) determination of the seriousness of any occurrence;

“(ii) crew communication and coordination;

“(iii) self-defense;

“(iv) use of Transportation Security Administration approved protection devices assigned to crewmembers, including appropriate certifications for use of such devices; and

“(v) psychology of terrorism to cope with hijacker behavior and passenger reaction.

“(D) Develop a plan for updating the training program and retraining crew members as each new security threat becomes known.

“(11) Require training of gate, ticket, and curbside agents to respond appropriately when the system referred to in paragraph (7) identifies a passenger as a threat to security.

“(12) Establish a toll-free telephone number for air carrier and airport employees and their customers to use to report instances of inadequate security.

“(13) Require effective 911 emergency call capabilities for telephones serving passenger aircraft and trains.

“(14) In consultation with the Federal Aviation Administration, require that all pilot licenses incorporate a photograph of the license holder and appropriate biometric imprints.

“(15) Provide for background checks, criminal history record checks, and checks against Federal security data bases of individuals seeking instruction in flying aircraft that weigh more than 12,500 pounds.

“(16) Require training of employees of a flight school to recognize suspicious circumstances and activities for individuals enrolling in or attending flight school and to notify the Administration.

“(b) REPORT.—Not later than 6 months after the date of enactment of this section, and annually thereafter, the Under Secretary shall transmit to Congress a report on the progress of the Under Secretary in evaluating and taking actions under subsection (a), including any legislative recommenda-

tions that the Under Secretary may have for enhancing transportation security.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by inserting after the item relating to section 44917 the following:

“44918. Enhanced security measures.”.

(c) REPEAL OF EXISTING REPORTING REQUIREMENT.—

(1) IN GENERAL.—Section 44938 is amended—

(A) in the section heading by striking “**Reports**” and inserting “**Report**”; and

(B) by striking “(a) TRANSPORTATION SECURITY.” and all that follows through “(b) SCREENING AND FOREIGN AIR CARRIER AND AIRPORT SECURITY.—The Administrator” and inserting “The Under Secretary of Transportation for Security”.

(2) CHAPTER ANALYSIS.—The analysis for chapter 449 is amended by striking the item relating section 44938 and inserting the following:

“44938. Report.”.

#### SEC. 10. CRIMINAL HISTORY RECORD CHECK FOR SCREENERS AND OTHERS.

Section 44936(a) is amended—

(1) in paragraph (1)(E)(iv)(II) by striking the period at the end and inserting “; except that at such an airport, the airport operator, air carriers, and screening companies may elect to implement the requirements of this subparagraph in advance of the effective date if the Under Secretary approves of such early implementation and if the airport operator, air carriers, and screening companies amend their security programs to conform those programs to the requirements of this subparagraph.”; and

(2) in paragraph (2) by striking “or airport operator” and inserting “airport operator, or screening company”.

#### SEC. 11. PASSENGER AND BAGGAGE SCREENING FEE.

(a) IN GENERAL.—Subchapter II of chapter 449 is amended by adding at the end the following:

##### “§ 44939. Passenger and baggage screening fee

“(a) GENERAL AUTHORITY.—

“(1) PASSENGER FEES.—The Under Secretary of Transportation for Security shall impose a fee on passengers in air transportation and intrastate air transportation to pay for the costs of the screening of passengers and property pursuant to section 44901(d). Such costs include salaries and expenses, training, and equipment acquisition, operation, and maintenance.

“(2) AIR CARRIER FEES.—

“(A) AUTHORITY.—In addition to the fee imposed pursuant to paragraph (1), the Under Secretary may impose a fee on air carriers to pay for the costs of providing security for air carriers and their passengers and crews.

“(B) LIMITATION.—The amounts of fees collected under this paragraph may not exceed, in the aggregate, the amounts paid in calendar year 2000 by air carriers for security described in paragraph (1), adjusted for inflation.

“(b) SCHEDULE OF FEES.—In imposing fees under subsection (a), the Under Secretary shall ensure that the fees are directly related to the Transportation Security Administration's costs of providing services rendered.

“(c) LIMITATION ON FEE.—Fees imposed under subsection (a)(1) may not exceed \$2.50 on a 1-way trip in air transportation or intrastate air transportation.

“(d) IMPOSITION OF FEE.—

“(1) IN GENERAL.—Notwithstanding the procedural requirements of section 553 of title 5, the Under Secretary shall impose the fee under subsection (a)(1), and may impose a fee under subsection (a)(2), through the pub-

lication of notice of such fee in the Federal Register and begin collection of the fee within 60 days of the date of enactment of this Act, or as soon as possible thereafter.

“(2) SUBSEQUENT RULEMAKING.—After imposing a fee in accordance with paragraph (1), the Under Secretary shall conduct a rulemaking proceeding on imposition and collection of the fee in accordance with the requirements of section 553 of title 5 and shall issue a final rule to continue or modify imposition or collection of the fee, or both.

“(e) FEES PAYABLE TO UNDER SECRETARY.—All fees imposed and amounts collected under this section are payable to the Under Secretary of Transportation for Security.

“(f) RECEIPTS CREDITED TO ACCOUNT.—Notwithstanding section 3302 of title 31, any fee collected under this section—

“(1) shall be credited to a separate account established in the Treasury;

“(2) shall be available immediately for expenditure but only to pay the costs of activities and services for which the fee is imposed; and

“(3) shall remain available until expended.

“(g) REFUNDS.—The Under Secretary may refund any fee paid by mistake or any amount paid in excess of that required.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by adding after the item relating to section 44938 the following:

“44939. Passenger and baggage screening fee.”.

#### SEC. 12. AUTHORIZATION OF APPROPRIATIONS FOR OPERATIONS.

(a) IN GENERAL.—Subchapter II of chapter 449 is further amended by adding at the end the following:

##### “§ 44940. Authorization of appropriations for operations

“(a) OPERATIONS OF TRANSPORTATION SECURITY ADMINISTRATION.—There are authorized to be appropriated such sums as may be necessary for the operations of the Transportation Security Administration, including the functions of the Administration under section 44901(d) if the fees imposed under section 44939 are insufficient to cover the costs of such functions.

“(b) AIRCRAFT SECURITY.—There is authorized to be appropriated \$500,000,000 to the Secretary of Transportation to make grants to air carriers to (1) modify cockpit doors to deny access from the cabin to the pilots in the cockpit, (2) use video monitors or other devices to alert the cockpit crew to activity in the passenger cabin, and (3) ensure continuous operation of the aircraft transponder in the event the crew faces an emergency. Such sums shall remain available until expended.

“(c) AIRPORT SECURITY.—There is authorized to be appropriated \$500,000,000 for fiscal year 2002 to the Secretary to reimburse airport operators for direct costs that such operators incurred to comply with new, additional, or revised security requirements imposed on airport operators by the Federal Aviation Administration on or after September 11, 2001. Such sums shall remain available until expended.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by adding after the item relating to section 44939 the following:

“44940. Authorization of appropriations for operations.”.

(c) SECURITY FACILITY FEES.—Section 40117 is amended by adding at the end the following:

“(1) INCREASED SECURITY.—

“(1) IN GENERAL.—The Secretary may authorize an eligible agency to impose an additional security facility fee of up to \$1 on each paying passenger of an air carrier or foreign air carrier boarding an aircraft at an



airport the agency controls, to reimburse the agency for direct costs the agency incurs to comply with new, additional, or revised security requirements imposed on airport operators by the Federal Aviation Administration on and after September 11, 2001.

“(2) PROCEDURES.—Notwithstanding any provisions of this section, the Secretary shall develop special procedures for approval of any application under this subsection which will promptly authorize a fee under this subsection if there is a reasonable basis for concluding that an agency is likely to incur increased costs for security requirements which justify the fee.”

### SEC. 13. TRANSPORTATION SECURITY OVERSIGHT BOARD.

(a) IN GENERAL.—Chapter 449 is amended by adding at the end the following:

#### “SUBCHAPTER III—TRANSPORTATION SECURITY OVERSIGHT BOARD

##### “§ 44951. Transportation Security Oversight Board

“(a) IN GENERAL.—There is established a board to be known as a ‘Transportation Security Oversight Board’.

“(b) MEMBERSHIP.—

“(1) NUMBER AND APPOINTMENT.—The Board shall be composed of 5 members as follows:

“(A) The Secretary of Transportation (or the Secretary’s designee).

“(B) The Attorney General (or the Attorney General’s designee).

“(C) The Secretary of the Treasury (or the Secretary’s designee).

“(D) The Secretary of Defense (or the Secretary’s designee).

“(E) One member appointed by the President to represent the National Security Council or the Office of Homeland Security.

“(2) CHAIRPERSON.—The Chairperson of the Board shall be the Secretary of Transportation.

“(c) DUTIES.—The Board shall—

“(1) review any regulation or security directive issued by the Under Secretary of Transportation for security under section 114(h)(4) within 30 days after the date of issuance of such regulation or directive;

“(2) share intelligence information with the Under Secretary;

“(3) review—

“(A) plans for transportation security;

“(B) standards established for performance of airport security screening personnel;

“(C) compensation being paid to airport security screening personnel;

“(D) procurement of security equipment;

“(E) selection, performance, and compensation of senior executives in the Transportation Security Administration; and

“(F) budget requests of the Under Secretary; and

“(4) make recommendations to the Under Secretary regarding matters reviewed under paragraph (3).

“(d) QUARTERLY MEETINGS.—The Board shall meet at least quarterly.

“(e) CONSIDERATION OF SECURITY INFORMATION.—A majority of the Board may vote to close a meeting of the Board to the public when classified security information will be discussed.

##### “§ 44952. Advisory council

“(a) ESTABLISHMENT.—The Under Secretary of Transportation for Security shall establish an advisory council to be known as the ‘Transportation Security Advisory Council’.

“(b) MEMBERSHIP.—The Council shall be composed of members appointed by the Under Secretary to represent all modes of transportation, transportation labor, organizations representing families of victims of transportation disasters, and other entities affected or involved in the transportation security process.

“(c) DUTIES.—The Council shall provide advice and counsel to the Under Secretary on issues which affect or are affected by the operations of the Transportation Security Administration. The Council shall function as a resource for management, policy, spending, and regulatory matters under the jurisdiction of the Transportation Security Administration.

“(d) ADMINISTRATIVE MATTERS.—

“(1) MEETINGS.—The Council shall meet on a regular and periodic basis or at the call of the Chairperson or the Under Secretary.

“(2) ACCESS TO DOCUMENTS AND STAFF.—The Under Secretary may give the Council appropriate access to relevant documents and personnel of the Administration, and the Under Secretary shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5 (commonly known as the ‘Freedom of Information Act’), cost data associated with the acquisition and operation of security screening equipment. Any member of the Council who receives commercial or other proprietary data from the Under Secretary shall be subject to the provisions of section 1905 of title 18, pertaining to unauthorized disclosure of such information.

“(3) CHAIRPERSON AND VICE CHAIRPERSON.—The Council shall elect a Chairperson and a Vice Chairperson from among the members, each of whom shall serve for a term of 2 years. The Vice Chairperson shall perform the duties of the Chairperson in the absence of the Chairperson.

“(4) TRAVEL AND PER DIEM.—Each member of the Council shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5.

“(5) DETAIL OF PERSONNEL FROM THE ADMINISTRATION.—The Under Secretary shall make available to the Council such staff, information, and administrative services and assistance as may reasonably be required to enable the Council to carry out its responsibilities under this section.

“(e) FEDERAL ADVISORY COMMITTEE ACT NOT TO APPLY.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Council.”

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by adding at the end the following:

#### “SUBCHAPTER III—TRANSPORTATION SECURITY OVERSIGHT BOARD

“44951. Transportation Security Oversight Board.

“44952. Advisory council.”

### SEC. 14. AUTHORITY OF THE INSPECTOR GENERAL.

(a) IN GENERAL.—As provided by the Inspector General Act (5 U.S.C. App.) and other applicable statutes, the Inspector General of the Department of Transportation (in addition such other authority as the Inspector General may have) shall have authority to conduct the following:

(1) Audits of the Transportation Security Administration’s programs, operations, and activities.

(2) Criminal investigations of alleged violations of Federal laws or Department of Transportation regulations pertaining to aviation and other modes of transportation security.

(3) Investigations into waste, fraud, abuse, and any other allegations involving wrongdoing within the Administration.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, and periodically thereafter, the Inspector General shall report to Congress on the implementation, efficiency, and effectiveness of the Administration’s programs, operations, and ac-

tivities. The report shall focus on the Administration’s main programs and contain recommendations, as necessary, for further legislation.

### SEC. 15. TECHNICAL CORRECTION.

Section 106(a) of the Air Transportation Safety and System Stabilization Act (P.L. 107-42) is amended by striking “February 1, 2001” and inserting “February 1, 2002”.

### SEC. 16. ALCOHOL AND CONTROLLED SUBSTANCE TESTING.

Chapter 451 is amended—

(1) by striking “contract personnel” each place it appears and inserting “personnel”;

(2) by striking “contract employee” each place it appears and inserting “employee”;

(3) in section 45106(c) by striking “contract employees” and inserting “employees”;

(4) by inserting after section 45106 the following:

#### “§ 45107. Transportation security administration

“(a) TRANSFER OF FUNCTIONS RELATING TO TESTING PROGRAMS WITH RESPECT TO AIRPORT SECURITY SCREENING PERSONNEL.—The authority of the Administrator of the Federal Aviation Administration under this chapter with respect to programs relating to testing of airport security screening personnel are transferred to the Under Secretary of Transportation for Security. Notwithstanding section 45102(a), the regulations prescribed under section 45102(a) shall require testing of such personnel by their employers instead of by air carriers and foreign air carriers.

“(b) APPLICABILITY OF CHAPTER WITH RESPECT TO EMPLOYEES OF ADMINISTRATION.—The provisions of this chapter that apply with respect to employees of the Federal Aviation Administration whose duties include responsibility for safety-sensitive functions shall apply with respect to employees of the Transportation Security Administration whose duties include responsibility for security-sensitive functions. The Under Secretary of Transportation for Security, the Transportation Security Administration, and employees of the Transportation Security Administration whose duties include responsibility for security-sensitive functions shall be subject to and comply with such provisions in the same manner and to the same extent as the Administrator of the Federal Aviation Administration, the Federal Aviation Administration, and employees of the Federal Aviation Administration whose duties include responsibility for safety-sensitive functions, respectively.”; and

(5) in the analysis for such chapter by inserting after the item relating to section 45106 the following:

“45107. Transportation Security Administration”.

### SEC. 17. CONFORMING AMENDMENTS TO SUBTITLE VII.

(a) RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.—Part A of subtitle VII is amended—

(1) by moving subsections (f), (g), and (h) of section 44936 from section 44936, inserting them at the end of section 44703, and redesignating them as subsections (h), (i), and (j), respectively; and

(2) in subsections (i) and (j) of section 44703 (as moved to the end of section 44703 by paragraph (1) of this subsection), by striking “subsection (f)” each place it appears and inserting “subsection (h)”.

(b) INVESTIGATIONS AND PROCEDURES.—Chapter 461 is amended—

(1) in each of sections 46101(a)(1), 46102(a), 46103(a), 46104(a), 46105(a), 46106, 46107(b), and 46110(a) by inserting after “(or)” the following: “the Under Secretary of Transportation for Security with respect to security

duties and powers designated to be carried out by the Under Secretary or";

(2) by striking "or Administrator" each place it appears and inserting ", Under Secretary, or Administrator";

(3) in section 46101(a)(2) by striking "of Transportation or the" and inserting ", Under Secretary, or";

(4) in section 46102(b) by striking "and the Administrator" and inserting ", the Under Secretary, and the Administrator";

(5) in section 46102(c) by striking "and Administrator" each place it appears and inserting ", Under Secretary, and Administrator";

(6) in each of sections 46102(d) and 46104(b) by inserting "the Under Secretary," after "Secretary,";

(7) in the heading to section 46106 by striking "Secretary of Transportation and Administrator of the Federal Aviation Administration" and inserting "Department of Transportation"; and

(8) in the item relating to section 46106 of the analysis for such chapter by striking "Secretary of Transportation and Administrator of the Federal Aviation Administration" and inserting "Department of Transportation".

(c) ADMINISTRATIVE.—Section 40113 is amended—

(1) in subsection (a)—

(A) by inserting after "(or)" the following: "the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or"; and

(B) by striking "or Administrator" and inserting ", Under Secretary, or Administrator"; and

(2) in subsection (d)—

(A) by inserting after "The" the following: "Under Secretary of Transportation for Security or the";

(B) by striking "Administration" the second place it appears and inserting "Transportation Security Administration or Federal Aviation Administration, as the case may be,"; and

(C) by striking "the Administrator decides" and inserting "the Under Secretary or Administrator, as the case may be, decides".

(d) PENALTIES.—Chapter 463 is amended—

(1) in section 46301(d)(2)—

(A) by striking ", chapter 449 (except sections 44902, 44903(d), 44907(a)–(d)(1)(A) and (d)(1)(C)–(f), 44908, and 44909)";

(B) by inserting after the first sentence the following: "The Under Secretary of Transportation for Security may impose a civil penalty for a violation of chapter 449 (except sections 44902, 44903(d), 44907(a)–(d)(1)(A), 44907(d)(1)(C)–(f), 44908, and 44909) or a regulation prescribed or order issued under such chapter 449."; and

(C) by inserting "Under Secretary or" before "Administrator shall";

(2) in each of paragraphs (3) and (4) of section 46301(d) by striking "Administrator" each place it appears and inserting "Under Secretary or Administrator";

(3) in section 46301(d)(8) by striking "Administrator" and inserting "Under Secretary, Administrator";

(4) in section 46301(h)(2) by inserting after "(or)" the following: "the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or";

(5) in section 46311—

(A) by inserting after "Transportation," the following: "the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary,";

(B) by inserting after "Secretary," each place it appears the following: "Under Secretary,"; and

(C) by striking "or Administrator" each place it appears and inserting ", Under Secretary, or Administrator"; and

(6) in each of sections 46313 and 46316 by inserting after "(or)" the following: "the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or".

Mr. OBERSTAR (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota (Mr. OBERSTAR) is recognized for 5 minutes in support of his motion to recommit.

Mr. OBERSTAR. Mr. Speaker, I yield to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, this Congress will push through any legislation to deal with the difficult times we face, except a bill to help the 100,000 laid-off airline industry workers.

Congress passed a \$15 billion airline bailout bill, and we gave the 100,000 laid-off airline employees absolutely nothing. Today, the House of Representatives will pass an airline security bill, and laid-off airline workers will again receive absolutely nothing. This is wrong, and our priorities are backwards. We are ignoring airline workers who are responsible for making our trips safe.

This motion to recommit will simply give preference for the newly created airline security jobs to qualified airline workers who have been recently laid off.

A "yes" vote on this motion to recommit means Members believe that people, individual men and women, deserve the attention of Congress, not just the airline companies. The 100,000 laid-off airline workers deserve a chance, and they deserve our vote.

Mr. OBERSTAR. Mr. Speaker, once again I want to express my great appreciation and admiration for the gentleman from Iowa (Mr. GANSKE), who stood on a matter of principle and stood against some very powerful forces within his own party.

On a matter of this significance, it is important to have a useful and far-ranging debate. We had that today. I offer as the motion to recommit a bill that we worked on in committee on a bipartisan basis, and on which we came to disagreement on a major point of divergence on the Federal screener workforce. No matter how many proposals I offered to the chairman of the full committee and the chairman of the Subcommittee on Aviation, to which they were agreeable, when they brought it to the political leadership of their party, they were vetoed.

We attempted to achieve a bipartisan agreement, but what we have in the motion to recommit is a proposal that I think is superior not only to the motion that was just defeated, but also to

the underlying bill. It creates a transportation security administration, an intermodal security administration, transfers all modal functions within the Department of Transportation to the Transportation Security Administration. It designates an Under Secretary as a liaison to intelligence and law enforcement communities.

In establishing a screener workforce, it gives to the Under Secretary of Transportation authority to create the rules of hiring, of firing, of moving people around, create a separate force apart from the civil service of the United States with those protections that the Under Secretary chooses to establish so that we answer, as I proposed from the very outset a month ago, the question of creating a whole new Federal civil service workforce.

We put those mandates into this legislation to require various security functions and to insist that timetables be met and deadlines be adhered to. We take cost-benefit analysis out of security rulemaking so that the rules cannot be held up interminably as they have been for many years.

Those in the Hispanic community who were concerned about the nationality requirement, that is absent from this provision. It requires 10-year criminal background checks on security screeners. The key thing here is that it establishes a screener workforce that is pledged to the Constitution of the United States, to the laws, trained to the highest levels, a skilled workforce established by the Under Secretary.

Members want flexibility; we provide it in here. Why this was not accepted 3 weeks ago is beyond me. We have an opportunity now to vote for it. Mr. Speaker, I urge a vote in favor of this substitute that encompasses the purpose of security in a way that will transcend everything that is in the underlying bill.

Mr. MICA. Mr. Speaker, I claim the time in opposition.

The SPEAKER pro tempore. The gentleman from Florida (Mr. MICA) is recognized for 5 minutes in opposition to the motion to recommit.

Mr. MICA. Mr. Speaker, I appreciate the indulgence of Members tonight. I know Members want to go back to their districts and see their constituents and their families. If there has been any delay in this legislation, blame me.

Earlier I took the podium on the other side of the aisle, and I said that I pledge to work in a bipartisan manner; and I have tried to do that and have done that at all times with the gentleman from Minnesota (Mr. OBERSTAR).

Members on my side of the aisle, I want Members to know what a great human being the gentleman from Minnesota (Mr. OBERSTAR) is. I came as a freshman and learned so much from the gentleman. He is a tremendous individual, and he put his heart and soul into working with us. Because of some

other circumstances, we were not allowed to come forward with our legislation, and we all know sometimes politics gets in the way.

But let me tell Members the most outstanding legacy that we can provide as Members of Congress to the gentleman from Minnesota (Mr. OBERSTAR) would be to get this right, to do this right. They tried this in 1996, and they did not get this right. They tried again with another act in 2000, and we did not get it right.

This time when Members go back tomorrow and look in the eyes of their constituents, who sent us here to do the very best job we can do, we can do nothing but the very best as far as aviation and transportation security. We have to get it right.

Unfortunately, the provision by the gentleman from Minnesota (Mr. OBERSTAR) and the motion to recommit will carry this transition process on for a year. Just look at the language. Our proposal is 3 months. We give the President the flexibility that he asked for and that he can deliver. We say the employees may be Federal employees, and we give him that discretion. We clearly set forth responsibilities in this legislation that are so important. The rulemaking provision that is so important must be in the final legislation.

Mr. Speaker, everyone who voted on the manager's amendment must understand that those provisions will be wiped out. The provisions for New York asked for by the Governor of New York, the provisions for New York that Mayor Giuliani asked for will be wiped out.

□ 2015

If you have general aviation in your district that is floundering because it has been closed down, the assistance that is in our provisions only will be wiped out. All the corrections that were made to the Senate legislation will be wiped out, so we will not get the best product in the end.

I pledge to work with the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Illinois (Mr. LIPINSKI), with Minority Leader GEPHARDT, with everyone in the House, if it takes us day and night, and I sat with the President today. He said he is willing to wait until we get it right.

So I urge you to get it right this time. We owe this to the American people. We have already had the issue solved in the last vote. Let us not go into a motion to recommit and delay this process forward. Let us work together and let us do the best we can for the people who sent us here.

Mr. LAMPSON. Mr. Speaker, I wholeheartedly support the Democratic alternative of the aviation security bill. This measure is identical to S. 1447, the Aviation Security Act, passed by the Senate unanimously on October 11. It places responsibility for aviation security with the Federal Government to ensure that professional law enforcement agents are in charge of securing the airports and airplanes.

It has been 7 weeks since the attacks on the World Trade Center and the Pentagon, and the Republican leadership has been dragging their feet on aviation security legislation. It's outrageous and irresponsible, and the leadership stalled this legislation because they oppose the federalization of security personnel.

The bill ensures that federal security personnel screen and check all individuals and baggage before boarding a plane. We wouldn't dream of contracting out the protection that our police provide, we wouldn't dream of contracting out the protection our military provides, why in the world are the leaders of this body attempting to contract out our airport security. Airport security forces must be reliable, standardized and verifiable.

This will ensure that security screeners are more highly paid—rather than continuing the practice of private contractors hiring personnel for less than fast food, service wages who turn over every six months. Experts including the General Accounting Office, the Federal Aviation Administration, and the Transportation Department have all indicated that low wages and high turnover are the major problem in aviation security.

Following Sept. 11th I've been meeting with schools kids from the 9th District. Recently I asked them the question—Should the security forces that protect our airports be federalized like the police and military? The kids resoundingly answered yes—it's common sense, kids know it, the American public knows it, but my colleagues on the other side of the aisle don't seem to.

Under the bill, screener applicants will be required to pass a rigorous selection examination, and complete classroom and on-the-job training. It also gives the government flexibility to suspend or terminate under-performing employees. Consistent with existing law, federal screeners would not have the right to strike.

Ask yourself—who do you want protecting you and your family, a federal security force or the lowest bidder. Airport security is national security.

The SPEAKER pro tempore (Mr. THORNBERRY). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of the passage of the bill.

The vote was taken by electronic device, and there were—yeas 201, nays 227, not voting 5, as follows:

[Roll No. 424]

YEAS—201

Ackerman  
Allen  
Andrews  
Baca  
Baird  
Baldacci  
Baldwin

Barcia  
Barrett  
Becerra  
Bentsen  
Berkley  
Berman  
Berry

Bishop  
Blumenauer  
Bonior  
Borski  
Boswell  
Boucher  
Boyd

Brady (PA)  
Brown (FL)  
Brown (OH)  
Capps  
Capuano  
Cardin  
Carson (IN)  
Carson (OK)  
Clay  
Clayton  
Clement  
Clyburn  
Condit  
Conyers  
Costello  
Coyne  
Crowley  
Cummings  
Davis (CA)  
Davis (FL)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Deutsch  
Dicks  
Dingell  
Doggett  
Dooley  
Doyle  
Edwards  
Engel  
Eshoo  
Etheridge  
Evans  
Farr  
Fattah  
Filner  
Ford  
Frank  
Frost  
Gephardt  
Gonzalez  
Gordon  
Green (TX)  
Gutierrez  
Hall (OH)  
Harman  
Hastings (FL)  
Hill  
Hilliard  
Hinchey  
Hinojosa  
Hoeffel  
Holden  
Holt  
Honda  
Hooley  
Hoyer  
Inslee  
Israel

Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
John  
Johnson, E.B.  
Jones (OH)  
Kanjorski  
Kaptur  
Kennedy (RI)  
Kildee  
Kilpatrick  
Kind (WI)  
Klecza  
Kucinich  
LaFalce  
Lampson  
Langevin  
Lantos  
Larsen (WA)  
Larson (CT)  
Lee  
Levin  
Lewis (GA)  
Lipinski  
Lofgren  
Lowey  
Lucas (KY)  
Luther  
Lynch  
Maloney (NY)  
Markey  
Mascara  
Matheson  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre  
McKinney  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Menendez  
Millender  
McDonald  
Miller, George  
Mink  
Mollohan  
Moore  
Moran (VA)  
Murtha  
Nadler  
Napolitano  
Neal  
Oberstar  
Obey  
Oliver

Owens  
Pallone  
Pascarelli  
Pastor  
Payne  
Pelosi  
Peterson (MN)  
Phelps  
Pomeroy  
Price (NC)  
Rahall  
Rangel  
Reyes  
Rivers  
Rodriguez  
Roemer  
Ross  
Rothman  
Roybal-Allard  
Rush  
Sabo  
Sanchez  
Sanders  
Sandlin  
Sawyer  
Schakowsky  
Schiff  
Scott  
Sherman  
Shows  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Solis  
Spratt  
Stark  
Strickland  
Stupak  
Tanner  
Tauscher  
Thompson (CA)  
Thompson (MS)  
Thurman  
Tierney  
Towns  
Turner  
Udall (CO)  
Udall (NM)  
Velázquez  
Visclosky  
Waters  
Watson (CA)  
Watt (NC)  
Waxman  
Weiner  
Wexler  
Woolsey  
Wu  
Wynn

NAYS—227

Abercrombie  
Aderholt  
Akin  
Armey  
Bachus  
Baker  
Ballenger  
Barr  
Bartlett  
Barton  
Bass  
Bereuter  
Biggert  
Bilirakis  
Blagojevich  
Blunt  
Boehrlert  
Boehner  
Bonilla  
Bono  
Brady (TX)  
Brown (SC)  
Bryant  
Burr  
Burton  
Buyer  
Callahan  
Calvert  
Camp  
Cannon  
Cantor  
Capito  
Castle  
Chabot  
Chambliss  
Coble

Collins  
Combest  
Cooksey  
Cox  
Cramer  
Crane  
Crenshaw  
Cubin  
Culberson  
Cunningham  
Davis, Jo Ann  
Davis, Tom  
Deal  
DeLay  
DeMint  
Diaz-Balart  
Doolittle  
Dreier  
Duncan  
Ehlers  
Ehrlich  
Emerson  
English  
Everett  
Ferguson  
Flake  
Fletcher  
Foley  
Forbes  
Fossella  
Frelinghuysen  
Gallegly  
Gekas  
Gibbons  
Gilchrest  
Gillmor

Gilman  
Goode  
Goodlatte  
Goss  
Graham  
Granger  
Graves  
Green (WI)  
Greenwood  
Grucci  
Gutknecht  
Hall (TX)  
Hansen  
Hart  
Hastert  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Herger  
Hilleary  
Hobson  
Hoekstra  
Horn  
Hostettler  
Houghton  
Hulshof  
Hunter  
Hyde  
Isakson  
Issa  
Jenkins  
Johnson (CT)  
Johnson (IL)  
Johnson, Sam  
Jones (NC)

Keller	Otter	Simpson	Evans	Kolbe	Ross	McGovern	Pastor	Stark
Kelly	Oxley	Skeen	Everett	LaFalce	Roukema	McKinney	Paul	Stupak
Kennedy (MN)	Paul	Smith (MI)	Ferguson	LaHood	Royce	McNulty	Payne	Tauscher
Kerns	Pence	Smith (NJ)	Flake	Largent	Rush	Meehan	Pelosi	Thompson (CA)
King (NY)	Peterson (PA)	Smith (TX)	Fletcher	Ryan (WA)	Ryan (WI)	Meek (FL)	Rahall	Thompson (MS)
Kingston	Petri	Souder	Foley	Latham	Ryun (KS)	Meeks (NY)	Rangel	Thurman
Kirk	Pickering	Stearns	Forbes	LaTourette	Sawyer	Menendez	Reyes	Tierney
Knollenberg	Pitts	Stenholm	Fossella	Leach	Saxton	Millender-	Rivers	Towns
Kolbe	Platts	Stump	Frelinghuysen	Lewis (CA)	Schaffer	McDonald	Rodriguez	Turner
LaHood	Pombo	Sununu	Frost	Lewis (KY)	Schiff	Miller, George	Rothman	Udall (NM)
Largent	Portman	Sweeney	Galleghy	Linder	Schrock	Mollohan	Roybal-Allard	Velázquez
Latham	Pryce (OH)	Tancred	Gekas	Lipinski	Sensenbrenner	Murtha	Sabo	Visclosky
LaTourette	Putnam	Tauzin	Gibbons	LoBiondo	Serrano	Nadler	Sanchez	Waters
Leach	Quinn	Taylor (MS)	Gilchrest	Lucas (KY)	Sessions	Napolitano	Sanders	Watson (CA)
Lewis (CA)	Radanovich	Taylor (NC)	Gillmor	Lucas (OK)	Shadegg	Neal	Sandlin	Watt (NC)
Lewis (KY)	Ramstad	Terry	Gilman	Luther	Shaw	Oberstar	Schakowsky	Waxman
Linder	Regula	Thomas	Goode	Maloney (NY)	Shays	Olver	Scott	Weiner
LoBiondo	Rehberg	Thornberry	Goodlatte	Manzullo	Sherwood	Owens	Sherman	Wexler
Lucas (OK)	Reynolds	Thune	Gordon	Matheson	Shimkus	Pallone	Slaughter	Woolsey
Maloney (CT)	Riley	Tiahrt	Goss	McCollum	Shows	Pascrell	Solis	Wynn
Manzullo	Rogers (KY)	Tiberi	Graham	McCrery	Shuster			
McCrery	Rogers (MI)	Toomey	Granger	McHugh	Simmons			
McHugh	Rohrabacher	Trafficant	Graves	McInnis	Simpson			
McInnis	Ros-Lehtinen	Upton	Green (WI)	McIntyre	Skeen	Delahunt	Herger	Riley
McKeon	Roukema	Vitter	Greenwood	Mica	Skelton	Dunn	Houghton	Weldon (PA)
Mica	Royce	Walden	Grucci	Miller, Dan	Smith (MI)	Ganske	McKeon	
Miller, Dan	Ryan (WI)	Walsh	Gutknecht	Miller, Gary	Smith (NJ)			
Miller, Gary	Ryun (KS)	Wamp	Hall (OH)	Miller, Jeff	Smith (TX)			
Miller, Jeff	Saxton	Watkins (OK)	Hall (TX)	Mink	Smith (WA)			
Moran (KS)	Schaffer	Watts (OK)	Hansen	Moore	Snyder			
Morella	Schrock	Weldon (FL)	Harman	Moran (KS)	Souder			
Myrick	Sensenbrenner	Weldon (PA)	Hart	Moran (VA)	Spratt			
Nethercutt	Sessions	Weller	Hastert	Morella	Stearns			
Ney	Shadegg	Whitfield	Hastings (WA)	Myrick	Stenholm			
Northup	Shaw	Wicker	Hayes	Nethercutt	Strickland			
Norwood	Shays	Wilson	Hayworth	Ney	Stump			
Nussle	Sherwood	Wolf	Hefley	Northup	Sununu			
Ortiz	Shimkus	Young (AK)	Hilleary	Norwood	Sweeney			
Osborne	Shuster	Young (FL)	Hobson	Nussle	Tancred			
Ose	Simmons		Hoeffel	Tanner				

## NOT VOTING—5

Delahunt	Ganske	Serrano
Dunn	Istook	

□ 2032

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. THORNBERRY). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 286, nays 139, not voting 8, as follows:

[Roll No. 425]

## YEAS—286

Abercrombie	Boucher	Crane
Aderholt	Boyd	Crenshaw
Akin	Brady (TX)	Cubin
Andrews	Brown (SC)	Culberson
Armey	Bryant	Cunningham
Bachus	Burr	Davis (FL)
Baker	Burton	Davis (IL)
Baldwin	Buyer	Davis, Jo Ann
Ballenger	Callahan	Davis, Tom
Barr	Calvert	Deal
Barrett	Camp	DeLay
Bartlett	Cannon	DeMint
Barton	Cantor	Diaz-Balart
Bass	Capito	Dicks
Bereuter	Cardin	Dingell
Biggart	Carson (OK)	Dooley
Bilirakis	Castle	Doolittle
Bishop	Chabot	Dreier
Blagojevich	Chambliss	Duncan
Blunt	Clement	Edwards
Boehlert	Coble	Ehlers
Boehner	Combest	Ehrlich
Bonilla	Condit	Emerson
Bonior	Cooksey	Engel
Bono	Cox	English
Boswell	Cramer	Etheridge

## NAYS—139

Ackerman	Cummings	Jackson (IL)
Allen	Davis (CA)	Jackson-Lee
Baca	DeFazio	(TX)
Baird	DeGette	Jefferson
Baldacci	DeLauro	Johnson, E.B.
Barcia	Deutsch	Jones (OH)
Becerra	Doggett	Kanjorski
Bentsen	Doyle	Kaptur
Berkley	Eshoo	Kilpatrick
Berman	Farr	Kucinich
Berry	Fattah	Lampson
Blumenauer	Filner	Langevin
Borski	Ford	Lantos
Brady (PA)	Frank	Larson (CT)
Brown (FL)	Gephardt	Lee
Brown (OH)	Gonzalez	Levin
Capps	Green (TX)	Lewis (GA)
Capuano	Gutierrez	Lofgren
Carson (IN)	Hastings (FL)	Lowey
Clay	Hill	Lynch
Clayton	Hilliard	Maloney (CT)
Clyburn	Hinchey	Markey
Collins	Hinojosa	Mascara
Conyers	Holden	Matsui
Costello	Holt	McCarthy (MO)
Coyne	Honda	McCarthy (NY)
Crowley	Hoyer	McDermott

## NOT VOTING—8

Delahunt	Herger	Riley
Dunn	Houghton	Weldon (PA)
Ganske	McKeon	

□ 2039

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Ms. DUNN. Mr. Speaker, on Thursday, November 1, 2001, I was not present for rollcall votes 415 through 425 due to a family emergency. Had I been present, I would have voted “yea” on rollcall No. 415, “yea” on rollcall No. 416, “yea” on rollcall No. 417, “yes” on rollcall No. 418, “yea” on rollcall No. 419, “yea” on rollcall No. 420, “yea” on rollcall No. 421, “No” on rollcall No. 422, “No” on rollcall No. 423, “No” on rollcall No. 424, and “yea” on rollcall No. 425.

## GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3150.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

## LEGISLATIVE PROGRAM

(Mr. FROST asked and was given permission to address the House for 1 minute.)

Mr. FROST. Mr. Speaker, I take this time to inquire about next week's schedule.

I yield to the gentleman from Texas (Mr. ARMEY), the majority leader.

Mr. ARMEY. Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week.

The House will next meet for legislative business on Tuesday, November 6, at 12:30 p.m. for morning hour and 2 p.m. for legislative business. The House will consider a number of measures under suspension of the rules, a list of which will be distributed to Members' offices tomorrow.

Mr. Speaker, Members will want to note that on Tuesday, no recorded

votes are expected before 6:30 p.m. I repeat that, in compliance with the wishes of the gentleman from Kansas (Mr. MORAN), there will be no recorded votes before 6:30 p.m. on Tuesday next.

On Wednesday and the balance of the week, the House will consider the following measures, subject to rules: H.R. 3167, the Freedom Consolidation Act of 2001, that was marked up today in the Committee on International Relations; and the Department of Defense Appropriations Act for Fiscal Year 2002. Appropriators are also continuing to work on several conference reports. I am hopeful that the VA-HUD conference report, among others, will be ready for consideration in the House early next week.

The Speaker also reports that he will be ready to name conferees on the Foreign Operations Appropriations Act, which I will be happy to schedule for consideration next week as well.

I want to thank the gentleman for yielding.

Mr. FROST. Mr. Speaker, I would ask the distinguished majority leader, he has indicated that perhaps the VA-HUD conference report will be ready for consideration. Are there other conference reports that the gentleman is optimistic about being considered next week?

Mr. ARMEY. If the gentleman will continue to yield, Mr. Speaker, yes, we do have reason to expect the Transportation appropriations conference report, the Agriculture conference report, and the CJS conference report as well next week.

Mr. FROST. I would further ask the gentleman, do you expect fast-track legislation on the floor next week?

Mr. ARMEY. If the gentleman will continue to yield, Mr. Speaker, we are having discussions about the Trade Promotion Authority legislation. While it is not currently scheduled to be scheduled, I think it fair to advise the body that it is possible for consideration next week.

Mr. FROST. I would ask the majority leader, will there be votes next Friday? Can you determine that at this point?

Mr. ARMEY. Again, as the gentleman continues to yield, Mr. Speaker, we are hopeful that the DOD appropriations bill and other conference reports may be available to us, in which case we would stay for votes on Friday; but as has been our circumstance recently, we would have to watch that as the week develops and advise Members as quickly as we can during the week.

Mr. FROST. I would ask the gentleman, when do we expect to wrap up the session for the year? Do you think it will occur before Thanksgiving?

Mr. ARMEY. Again, I thank the gentleman for the request; and if the gentleman would continue to yield, Mr. Speaker, we are currently operating under a continuing resolution that would take us to the 16th. Up at the White House last week the President made it clear he would like to see us complete our work.

The leadership on both sides of the building have made a commitment to the 16th. So while I stress that it seems to be the universal goal and objective that we would complete our work on the 16th, that at this point is what I must advise the gentleman is our target for completing our work.

□ 2045

Mr. FROST. Mr. Speaker, reclaiming my time, I yield to the gentleman from Minnesota (Mr. OBERSTAR) for a question.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding.

I would inquire of the distinguished majority leader whether it is possible that the Speaker will name conferees on the just-passed aviation security bill. I see that the distinguished leader announced that the Speaker will be ready to name conferees on Foreign Operations Appropriations, but given the urgency and the significance that was referenced throughout the debate tonight, I would inquire of the distinguished majority leader if it is possible at an early time to name conferees.

Mr. ARMEY. Mr. Speaker, if the gentleman from Texas will continue to yield, again, I would like to thank the gentleman from Minnesota for the inquiry and it is, in fact, a very important point. While my remarks for this colloquy were prepared prior to the final passage vote, I can advise the gentleman that the Speaker talked to me just before he left the floor and advised me that he will seek to name conferees as quickly as possible.

Mr. OBERSTAR. Mr. Speaker, if the gentleman from Texas (Mr. FROST) will continue to yield, I hope that will be early in the week because of the urgency of getting together and closing the rather significant gulf between the two versions of the aviation security bill.

Mr. ARMEY. Mr. Speaker, if the gentleman will continue to yield, the gentleman from Minnesota's point is well taken, and I think he would find the Speaker's enthusiasm as I saw it expressed to me would be in perfect compliance with your point.

Mr. FROST. Mr. Speaker, I thank the gentleman from Texas.

#### ADJOURNMENT TO MONDAY, NOVEMBER 5, 2001

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Texas?

There was no objection.

#### HOURLY MEETING ON TUESDAY, NOVEMBER 6, 2001

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, November 5, 2001, it adjourn to meet at 12:30 p.m.

on Tuesday, November 6, 2001 for morning hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

#### DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

#### HONORING THE NEW JERSEY LAW ENFORCEMENT OFFICERS ASSO- CIATION

Mr. FERGUSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution (H. Res. 224) honoring the New Jersey State Law Enforcement Officers Association.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. PAYNE. Mr. Speaker, reserving the right to object, although I do not intend to object, I yield to the gentleman from New Jersey to explain the resolution.

Mr. FERGUSON. Mr. Speaker, I rise today in support of my legislation, H. Res. 224, honoring the New Jersey State Law Enforcement Officers Association. This legislation recognizes the bravery and honor of the law enforcement officers of New Jersey and the service those officers provide to the communities that they serve.

The New Jersey State Law Enforcement Officers Association was formed in 1938 and celebrates a history of service and dedication to our citizens. Any person who enforces the law of their State or the ordinances of any municipality is eligible for active membership in this association. Currently, the association includes members from Federal, State, county, and municipal law enforcement agencies, including special and auxiliary police.

Each year, the New Jersey State Law Enforcement Officers Association holds an Annual Awards and Recognition Dinner to pay tribute to law enforcement officers who have demonstrated heroic or unselfish acts of bravery while in the line of duty. This past March the association celebrated its 10th awards dinner in recognition of the top officers in New Jersey and acknowledged their dedication in protecting and serving the State.

Mr. Speaker, the events of September 11, 2001 have shown all Americans that our law enforcement officers serve at great risk to their personal safety. We are indebted to law enforcement officers everywhere who are willing to die

to protect the innocent and to risk all of their hopes and their dreams to ensure the safety and well-being of our families. Many of our law enforcement officers in New Jersey have given their lives in the line of duty, and I stand today with my colleagues in the House of Representatives to honor and praise these fallen heroes. The thoughts and prayers of this Congress and the country remain with their families.

The men and women in New Jersey's law enforcement community are an integral part of our society who have earned the public's trust. They are on the frontline in our schools and in our streets preserving the right of children to learn in schools that are free from violence and the rights of our citizens to safe communities everywhere. Mr. Speaker, I ask that my colleagues join me in recognizing the bravery and honor of the law enforcement officers of New Jersey and the services of those officers to their communities.

I would like to commend my colleague from New Jersey for joining me in support of this important resolution. I would also like to thank personally the gentleman from New Jersey for his leadership on this and a range of other issues that benefit all of the citizens of New Jersey.

Mr. PAYNE. Mr. Speaker, further reserving the right to object, I rise this evening to commend the gentleman from New Jersey (Mr. FERGUSON) and to acknowledge the tremendous work of the New Jersey State law enforcement officers. They do this work on a daily basis, and we took this work for granted for many years. However, the most recent events on September 11 demonstrated their heroic effort when many of the law enforcement officers from New Jersey went to New York to attempt to save lives of citizens who were the unfortunate victims of a terrorist attack. We do owe them a debt of gratitude for their sacrifice and commitment to save the lives of all citizens of our great country.

These men and women work tirelessly and they work to try to serve the people of New Jersey and, in turn, they did risk their lives to ensure our personal safety.

The people of New Jersey applaud the efforts of the law enforcement officers as they are willing to die even to protect the families of our State.

As a former educator, I recognize the men and women in law enforcement who are on the front lines of our schools and our streets, who preserve the rights of our smallest citizens to live in a safe community, our young people as they go to and from school. We must continue to support the work of the individuals who serve the people in New Jersey for law enforcement and throughout the country, but we would certainly like to highlight those courageous men and women from our great State of New Jersey.

With that, Mr. Speaker, I yield to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PAYNE), and I join in thanking the gentleman from New Jersey (Mr. FERGUSON) for introducing this legislation.

This resolution was introduced several months ago in August, but we have had a strong reminder since then of the need for this recognition, that State after State, we are now reminded of how dependent we are on each other and how dependent we are on first responders and especially our police.

In New Jersey when the alarm sounds, police officers put their lives on hold and answer. They work day and night to keep order in the community and to protect our liberties and our lives.

On September 11 and the days following, they were active in emergency response and urban search and rescue, and day in and day out, they are in our schools and in our neighborhoods, teaching children a respect for community and a respect for orderly behavior. We owe them a great deal of thanks, and this is the least we can do tonight to pass this resolution in their honor.

I thank the gentleman from New Jersey (Mr. FERGUSON) for initiating this, and I am proud to join him in it.

Mr. PAYNE. Mr. Speaker, I yield to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, I thank the gentleman for yielding. I want to also thank the gentleman from New Jersey (Mr. FERGUSON) for putting forth the resolution.

In the resolution it says two things that we are so accustomed to saying, but I think we have now come to understand in a very dramatic way how important that sentiment is. It says, as law enforcement officers serve at great risk to their personal safety, and whereas the citizens of New Jersey are indebted to their law enforcement officers who are willing to die to protect them and their families and to risk all of their hopes and all of their dreams to ensure the safety and well-being of New Jersey's communities.

We have seen that time and time again in New Jersey, and we have seen that certainly in the aftermath of September 11, the enormous risk that individuals who we come to rely upon, their everyday members of our community, in a sense; we see them as we walk our streets or as they patrol our neighborhoods and we think of them in the context when there is no great harm and no great fear. But when events like September 11 take place, it magnifies for us the great risk that they take, and that risk is never known when it is going to visit.

In my district, which is right across from midtown Manhattan where we see the New York skyline view, where we used to see the World Trade Center, and now see the scar that has been left behind, we saw hundreds of police officers being part of the triage system that brought individuals, over 1,000, to the New Jersey side of the river to ultimately

get care in our hospitals and emergency clinics. In that respect, and in so many other respects, the fact of the matter is that we see the enormous risks that our men and women in blue take on on a daily basis. September 11 magnified that for us. The constant challenge we have magnifies that for us.

Lastly, let me just say it is good to recognize the New Jersey Law Enforcement Officers Association and their members and others in uniform. I also believe we need to stand by them in meaningful ways, in ways in which we assist them as part of that crucial first responder network. We need to help them with resources for training in the new environment that we are in. We need to help those communities that have exhausted their overtime budgets in this context so that we can be able to keep those departments whole.

□ 2100

We need to provide resources through what has been our COPS program to deal with the new security threats. When we do those things, we truly honor the individuals whose resolution we seek to recognize today.

Mr. PAYNE. Mr. Speaker, I thank the gentleman for those timely remarks. We appreciate the great work he has been doing in the Congress and in the State of New Jersey.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. FERGUSON).

Mr. FERGUSON. Mr. Speaker, I thank the gentleman for yielding to me.

I again want to commend my colleagues for joining us here on the floor of the House to offer our praise and recognition for these men and women who work so hard to protect us and protect our families.

Our districts, Mr. Speaker, in New Jersey are not far from New York City. So many of our constituents and families, people that we represent, were affected very directly by the events of September 11. In my district alone we lost 81 people. That is 81 families and communities who are grieving over the loss of loved ones.

To see, in the hours and days and weeks following these tragedies, to see the incredible service, the dedication, the sacrifice of those who wear a law enforcement uniform has been truly extraordinary.

Some statistics, just to highlight the incredible service of our men and women in uniform:

There are approximately 740,000 sworn law enforcement officers serving in the United States today, the highest figure ever, and about 12 percent of that number are women.

There are a total of 1,555 law enforcement officers that died in the line of duty in the last 10 years. That is an average of one death every 57 hours, or about 156 a year. There were 150 police deaths in the year 2000, which represented a 12 percent increase from the 137 officers who died in 1999. These figures include the victims of the September 11 terrorist attacks.



Based on the most recent figures, some 300 public safety officials are missing, they are missing, as a result of the September 11 tragedies, including more than 50 law enforcement officers. Crimefighting has taken its toll. Since the first recorded police death in 1792 there have been more than 15,000 law enforcement officers who have given their lives in the line of duty.

These are some startling numbers, staggering numbers, but statistics are secondary when we see in real life the service and the dedication of the men and women who serve us in law enforcement.

We are very, very pleased and I am very, very pleased to join my colleagues in offering this resolution this evening.

Mr. PAYNE. Mr. Speaker, I thank the gentleman. We certainly once again would like to express our appreciation for the gentleman bringing this resolution to the floor.

As it has been indicated, New Jersey was very severely impacted by September 11. The fourth plane that left out of Newark Airport, which is in my district, the PATH train that goes to the World Trade Center leaves Newark and in 15 minutes or so it is at the site of what is ground zero, now.

So we are very closely involved. We feel the impact on our districts, and we once again would like to commend the men and women in blue.

We had a service just on Wednesday. I went back to the district in Newark. We had a service at the University of Medicine and Dentistry, where we honored policemen and firemen there on Wednesday. The concerned citizens of the hospital did this. It was just continued recognition for the great work they have been doing.

Mr. Speaker, once again I thank the gentleman.

Mr. SMITH of New Jersey.

Mr. Speaker, I rise today to express my strong support for House Resolution 224, which honors more than 10,000 members of the New Jersey State Law Enforcement Officers Association.

As a proud co-sponsor of this resolution, which was introduced prior to the September 11th attacks, our respect for New Jersey's law enforcement officers runs deep. Day in and day out, these individuals routinely put their life on the line—valor, courage and bravery are commonplace in their daily job.

Formed in 1938, The New Jersey State Law Enforcement Officers Association celebrates a rich tradition of service and dedication to our citizens. Individuals who enforce New Jersey's state laws, and the ordinances of New Jersey municipalities, are eligible for active membership. Currently, the Association includes members from Federal, State, County and Municipal Law Enforcement Agencies, including Special and Auxiliary Police.

Mr. Speaker, the events of September 11, 2001 have shown all Americans that our law enforcement officers serve at great risk to their personal safety. The men and women of New Jersey's law enforcement community are genuine community leaders who do a tough job and do it well. Within an hour of the attack,

New Jersey police officers were deployed to the Hudson River to assist the victims.

Every single day since then, they have been working around-the-clock to bolster security in the New Jersey-New York region. Specifically, additional troopers have been mobilized to augment security in airports, bridges, and tunnels, as well as to strengthen security at the Salem Hope Creek and Oyster Creek Nuclear Generating Stations. New Jersey State Patrol Marine units have also been deployed to patrol waterways, especially the waterways adjacent to the nuclear facilities. New Jersey State Police have also increased their presence in Atlantic City Hotels and other likely terrorist targets.

New Jersey officers have also had to deal with thousands of calls in response to public fears about anthrax contamination. HAZMAT teams have been deployed across the state to investigate actual anthrax incidents, as well as cruel hoaxes. In my own district, the Hamilton police department has been working non-stop to protect and reassure local residents who have seen their very neighbors and co-workers exposed and even infected with anthrax.

In our greatest hour of need, New Jersey law enforcement officers have filled the breach and made us all proud.

Mr. Speaker, I ask that my colleagues join me in recognizing the bravery and honor of the law enforcement officers of New Jersey. The New Jersey State Law Enforcement Officers Association is the voice of those who dedicate their lives to protecting and serving our communities, and especially at this time of uncertainty, our law enforcement officers deserve our full support.

Mr. FRELINGHUYSEN. Mr. Speaker, today I rise in strong support of H. Res. 224, a resolution honoring the New Jersey State Law Enforcement Officers Association and all law enforcement officers in New Jersey. They serve and protect our state and local communities with bravery, pride, professionalism and honor each and every day.

The fine men and women who make up New Jersey's law enforcement agencies are exceptional people who do a very dangerous job, often without fanfare or recognition. They put their own lives on the line so that our schools, streets, children and families are safe from harm and danger. They are, as we have been reminded by their extraordinary response since September 11, true heroes.

On September 11, thousands of police officers and emergency personnel from local communities across New Jersey were mobilized immediately and dispatched to help with the search and recovery efforts at Ground Zero. Our thanks and our gratitude goes out to everyone who assisted in a time of such great need. Our prayers are with the families of the victims, which included police officers and firefighters who rushed into the World Trade Center to save lives.

In recent weeks, I have had the opportunity to personally thank a few of those police officers, fire and emergency personnel from my Congressional District by presenting them with flags that flew over the U.S. Capitol. Almost every one of the 57 communities I represent sent police officers, firefighters and EMT's to the site of the World Trade Center Disaster, many of whom are volunteers.

Mr. Speaker, it has been more than two months since the tragic events of September 11, and today, with anthrax a real threat for

many, especially in New Jersey, our law enforcement officials and emergency personnel continue to serve the public tirelessly. I cannot think of a better way to honor the work of law enforcement personnel in New Jersey than by supporting H. Res. 224.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the Resolution, as follows:

#### H. RES. 224

Whereas more than 700,000 men and women across the Nation serve their fellow citizens in their capacity as guardians of peace;

Whereas the law enforcement officers of New Jersey are recognized for their dedication to promote, advance, and encourage cooperation among all law enforcement officers;

Whereas law enforcement officers serve at great risk to their personal safety;

Whereas the citizens of New Jersey are indebted to their law enforcement officers, who are willing to die to protect them and their families and to risk all of their hopes and all of their dreams to ensure the safety and well-being of New Jersey communities;

Whereas law enforcement officers of New Jersey have fallen in the line of duty, and the thoughts and prayers of the House of Representatives and the country remain with the families of these men and women;

Whereas the men and women in New Jersey's law enforcement community are on the front line in our schools and on our streets, preserving the right of our children to learn in schools that are free of violence and the right of our citizens to safe communities; and

Whereas the members of the New Jersey State Law Enforcement Officers Association are an integral part of our society, in whom we have instilled public trust: Now, therefore, be it

*Resolved*, That the House of Representatives recognizes the bravery and honor of the law enforcement officers of New Jersey, and the service of those officers to their communities.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### CONTINUATION OF SUDAN EMERGENCY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107-140)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice,

stating that the Sudan emergency is to continue in effect beyond November 3, 2001, to the *Federal Register* for publication. The most recent notice continuing this emergency was published in the *Federal Register* on November 2, 2000 (65 Fed. Reg. 66163).

The crisis between the United States and Sudan constituted by the actions and policies of the Government of Sudan, including continuing concern about its record on terrorism and the prevalence of human rights violations, including slavery, restrictions on religious freedom, and restrictions on political freedom, that led to the declaration of a national emergency on November 3, 1997, has not been resolved. These actions and policies are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to Sudan and maintain in force the comprehensive sanctions against Sudan to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, October 31, 2001.

#### PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO SUDAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107-141)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

*To the Congress of the United States:*

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report of the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997, based upon information made available to me.

GEORGE W. BUSH.

THE WHITE HOUSE, October 31, 2001.

#### APPOINTMENT OF MEMBER TO BOARD OF TRUSTEES OF CENTER FOR RUSSIAN LEADERSHIP DEVELOPMENT

The SPEAKER pro tempore. Without objection, pursuant to section 313(2)(a) of Public Law 106-554, and upon the recommendation of the minority leader, the Chair announces the Speaker's appointment of the following Member on the part of the House to the Board of Trustees of the Center for Russian Leadership Development for a term of 3 years:

Mr. ROBERT E. (BUD) CRAMER, Jr., of Alabama.

There was no objection.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### URGING MEMBERS TO SUPPORT FUNDRAISERS AND WALK-ATHONS TO RAISE MONEY FOR AUTISM RESEARCH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, last night while most American children donned their costumes to celebrate Halloween, Bonnie and Willis Flick, the children pictured here, were able to go trick-or-treating only as a result of much preparation by their mother, Patience.

Bonnie and Willis are superheroes, not because they were dressed as wizards, but because of the efforts that they make each and every day in trying to fit into our world. It is difficult for Bonnie and Willis to make sense of our overwhelming and challenging environment because they have a neurological disease called autism.

Autism affects the development of the brain, especially in the areas of social interaction and communication skills. As a result, it is difficult for Bonnie and Willis to play with friends or to form relationships that most 11- and 13-year-olds have.

Autism affects one out of every 500 individuals, and it is a spectrum disorder, which means that it manifests itself in different ways.

For example, Bonnie can read and is able to go to a special school called the Learning Experience in Miami. She is a more high-functioning autistic child. But her brother, Willis, on the other hand, is mostly nonverbal. Talking for him is in small, almost guttural sounds that come as a result of hard work. Expressing emotions such as joy, anger, and frustration are extremely difficult for Willis.

However, Bonnie and Willis are a part of our world, not a world apart, as this tee shirt reads. This is a tee shirt that we will be wearing as part of the Flick family team this Saturday when we walk for more autism research.

Each day Bonnie and Willis continue to work hard to fit into our confusing world. They have been blessed with wonderful teachers who have a great deal of patience, and today Willis can

dress himself. He has learned to eat, and he has learned to eat with a fork for the first time. It may not seem like a big accomplishment for most of us, but for a child with autism, that is a monumental task.

For the first time, Bonnie allows her hair to be brushed and no longer involuntarily darts away from her caregivers.

Bonnie and Willis are fortunate and blessed children. They receive professional assistance and education to help optimize their potential and learning capabilities. But many autistic children are not as lucky. Many children do not have access to health care and to therapy that they so desperately need.

While the national rates of children being diagnosed with autism are increasing dramatically, there remains no known cure nor cause for autism. Mr. Speaker, we need to continue to raise research funding for autism to find treatments and preventions for this disability.

The National Alliance for Autism Research, NAAR, is an organization whose mission it is to fund, promote, and support biomedical research for autism spectrum disorder. To fulfill its commitment, every year throughout our Nation the organization hosts walk-a-thons to help raise vital research funds.

This Saturday, I, along with many others, will be participating in Walk Far for NAAR, which will be held in my congressional district at Crandon Park in Key Biscayne.

I congratulate the chairs of this year's walk, Robert and Patricia Cambo and Rain Vega, for their hard work in putting together this year's event. I also encourage my colleagues to remember the other Bonnie and Willises in their districts, and on their behalf to help promote awareness on autism so that each day we will be a step closer in banishing this debilitating disorder.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Georgia (Ms. MCKINNEY) is recognized for 5 minutes.

(Ms. MCKINNEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

## POLITICAL PROFITEERING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, think back to the late afternoon, early evening of September 11 when several gas stations in northeastern Ohio and across the Midwest and across the country raised their prices of gas to \$4, \$5, \$6 a gallon. Some people would call that war profiteering.

But something else happened in this Chamber in the last 8 weeks, something perhaps not much different that some have called political profiteering.

First, this Congress passed a bailout bill giving the airlines \$15 billion, no strings attached, no sacrifices from airline executives, no assistance for the 100,000 laid-off workers, no dollars for nor push toward any airline safety measures.

Then last week, all in the name of rebuilding the economy that has obviously suffered a blow from September 11, this Chamber voted tax cuts for the richest people in the country, and very little for health care for laid-off workers, very little tax relief for those who need it, most making \$20,000, \$30,000, \$40,000, \$50,000 a year.

Then this political profiteering reached new heights as this week the United States Trade Representative Bob Zoellick has begun to link fast track legislation, giving the President trade promotion authority, linking that legislation to antiterrorism activities, pointing out that most of us who oppose fast track are indifferent to terrorism, questioning a bit our patriotism, and saying that we really do not share American values if we do not support fast track because that is the way to combat terrorism around the world.

Mr. Speaker, fast track, to be sure, does not embody those American values that our U.S. Trade Representative has indicated. Simply look at the upcoming WTO, World Trade Organization, ministerial in Doha, Qatar. The people in Qatar, where trade ministers from all around the world and prime ministers and leaders from all around the world are converging, the people in Qatar have no freedom of speech, no freedom of assembly, no freedom of religion, as pointed out by the gentleman from Ohio (Ms. KAPTUR) in a Dear Colleague she sent around this week; no freedom of association, and in Qatar there are no free elections.

Yet, the World Trade Organization ignored these abuses of personal freedom in selecting Qatar as the host for the World Trade Organization ministerial.

□ 2115

Qatar's human rights record is not in line with American values, but it is familiar territory for many of corporate America's trading partners. Supporters of fast track say interaction with the developing world spreads democracy.

But watch as we engage developing countries in trade and investment, democratic developing countries are losing ground to dictatorships, to authoritarian developing countries. Democratic nations such as India are losing out to the authoritarian communist nations such as China. Democratic nations such as Taiwan are losing out to autocratic nations such as Indonesia.

In 1989, 57 percent of developing-country exports in manufacturing came from democracies. Since then the share of developing country exports from democracies fell 22 percent. Now 65 percent of developing country exports come from authoritarian countries.

The fact is Western business investors want to go to China, want to go to Indonesia, want to go to countries which are dictatorships because they have docile workforces, authoritarian governments, and they are very predictable for Western business. They do not want to go to India. They do not want to go to Taiwan. They do not want to go to South Korea; and they do not want to stay in this country many times because we have strong environmental laws, because labor unions can organize and bargain collectively, because we have free elections.

Western corporations want to invest in countries that have poor environmental standards, that have below-poverty wages, that have no worker benefits, that have no opportunities to bargain collectively.

As American investment moves to those dictatorships where they do not have the values that we have, where they do not care about the workers and the environment and food safety and all the things that we in this institution have fought for, American working families lose out.

Our trade agreements go to great lengths to protect investors and property rights. But these agreements do not include enforceable provisions to protect workers, either in the United States or abroad.

Ambassador Zoellick's call for a blanket trade authority in the name of patriotism must be recognized for what it is, pure and simple political profiteering. I have watched this country respond to the events of September 11. The right response for American values is to vote no on trade promotion authority.

The SPEAKER pro tempore (Mr. PUTNAM). Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

(Mr. STUPAK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. ABERCROMBIE) is recognized for 5 minutes.

(Mr. ABERCROMBIE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

# TRIBUTE TO THE HON. GERALD B.H. SOLOMON

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from New York (Mr. GILMAN) is recognized for 60 minutes as the designee of the majority leader.

Mr. GILMAN. Mr. Speaker, I thank my colleagues for participating with us in this Special Order this evening to pay tribute to our former colleague, the gentleman from New York's 22nd Congressional District, Gerald B.H. Solomon.

I am pleased at this time to yield to our distinguished majority leader, the gentleman from Texas (Mr. ARMEY).

Mr. ARMEY. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) for recognizing me.

This is kind of a solemn occasion. The Speaker, the gentleman in the chair, will be proud to know that Gerald Solomon was born in 1930 in Okeechobee, Florida.

Jerry Solomon grew up to be a fine man, a dedicated Marine, great Member of this body, friend and mentor, sometimes disciplinarian to all of us. I had the privilege of arriving in the House of Representatives when Jerry Solomon had already been here and working with him until he retired. I watched him as he worked on behalf of veterans with a heart that seemed to be just as big as can be; and he believed in freedom, not only for America but for all the world.

Gerald Solomon was always busy on foreign policy matters. He was busy on veterans affairs. He was a strong proponent of a strong defense, but he was also a man with a big heart. And one of the things that would always shine through with Jerry, especially when he was with his beautiful wife, Freda, and his children, was that he was a man who had a heart for family. And that too, I think, to many of us was an inspiration.

This is a tough job; this is a tough place. It is tough on our lives. And to have those colleagues that we have, Jerry Solomon being a perfect example, that can meet all of the demands of this work, and especially the demands of travel that he met with foreign travel in his interests, and remain so thoroughly dedicated, devoted to his wife. And many will remember that you did not have to look much further beyond the reflection of Freda and Gerry's eyes to see the definition of the word adoration. He truly did love his family.

So he helped us in so many ways with his presence, with his commitment, his sense of courage, his dedication, his legislative skills, his good judgment on

occasion, good advice on others, and restraining hand on a few. Even his willingness to himself accept the restraining hand when that Marine Corps temperament would get out of control was an example for the rest of us. And then to combine that with the year-in, year-out example that yes, you too can meet all the demands of this congressional life and still remain devoted to a family life, where you can be cherished and where you can cherish your family.

We were sad when Jerry retired. Many of us talked about Jerry at that time. I remember saying to Jerry, Jerry, you are like a boat when you come to this body. Everybody loves you when you are brand new, but they love you even more when you leave. Jerry got a kick out of that.

We enjoyed his celebration and we saw him off and on. I have to say, Mr. Speaker, it was a blow to me the other day when I picked up the paper and saw that we had lost Jerry. I truly lost a friend. And like others here, I will miss him. I guess we just did not expect it. We just do not expect to lose somebody that seems so strong and so boisterous.

If I can again just thank the gentleman from New York (Mr. GILMAN) for allowing me this little bit of time. If I could probably find two final words to say to my friend, Jerry Solomon, I guess they would have to be *semper fi*.

Mr. GILMAN. Mr. Speaker, I thank the majority leader for his kind remarks.

Mr. Speaker, I yield to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) for organizing this Special Order in memory of our colleague and fine friend.

Mr. Speaker, last week New York and America lost a great patriot, a fierce advocate, a fine leader and legislator and an extremely decent, kind and wonderful man. Whatever differences we had on policy, I always admired Jerry Solomon and our differences were never personal; they were merely based on policy disputes.

He spoke and acted with tremendous conviction. One never needed to interpret what Jerry was saying. He was refreshingly direct. He stuck to his guns, and I know my colleagues are going to miss him as much as I will.

Jerry led the Committee on Rules with distinction, decisiveness and fairness. His stewardship of that powerful committee was a credit to this institution. As a fellow New Yorker, Jerry was extremely gracious to me when I came to Congress in 1993 and all the years that we served together. He and I shared a love of the Adirondacks and Upstate New York. He was devoted to his wife, Freda, and his family. Above all I will remember Jerry's passion, an ex-Marine, an entrepreneur, and a father of five.

Jerry had a rock-solid vision of the American way. He was true to that vision in everything he did and to his

dying day he wanted to know what he could do for his country.

Jerry, I think every Member of this body would agree that you did more than enough, and we will miss you.

Mr. GILMAN. Mr. Speaker, I thank the gentlewoman from New York (Mrs. MALONEY) for her kind words.

Mr. Speaker, I am pleased to yield to one of Gerry's colleagues, former colleague on the Committee on International Relations, the former vice-chairman of the Committee on International Relations, the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) for yielding me this time to speak about my dear departed colleague and friend, Jerry Solomon.

Jerry Solomon and I were elected together in 1978. We became friends and I now count him as one of the very best friends I have ever had. His wife, Freda, and my wife, Louise, he and I shared a friendship among us that simply grew over time to a point that I came to appreciate him in so very many ways.

The gentlewoman from New York (Mrs. MALONEY) had just talked about his interest in doing whatever he could to advance the best interest of our country. Jerry Solomon was an unabashed flag-waving patriot. But he was a patriot in deed as well as word. And we came to know that because of his service on the Committee on International Relations, first of all, and later the leadership he brought to the Congress through his chairmanship of the House Committee on Rules.

His dedication to his family has been frequently mentioned. One of his children, the only one I am privileged to know, is Linda Solomon who has played and continues to play a very crucial role as the person in charge of protocol for the Committee on International Relations, and she is a very valued and respected and loved staff member for the committee.

I want to speak about Jerry Solomon, however, in a way that perhaps I have a special opportunity and knowledge. And that is to talk about his role in the NATO Parliamentary Assembly. It was through Gerry's encouragement that I first became involved in 1984. He already as a young Member of the House was involved in this interparliamentary effort involving the parliamentarians from the then 16 NATO countries and later the 19 countries that now constitute NATO and the associate members. He was very well respected in that body. We have five major committees. He chaired for the maximum length of time the political committee, which you might be surprised was the one that dealt with the most controversial subjects and had the widest area of coverage. That was in 1993 through 1996.

Later, in 1997 and 1998 for the maximum 2-year term, he served one of the assemblies of vice presidents. He was extraordinarily effective in that venue just as he is and was in this House.

I want to relate one personal experience that I am sure his wife, Freda, will remember very well. We traveled together frequently since I had the privilege to chair the delegation at the encouragement of Jerry Solomon because he was very busy with the Committee on Rules. We were having plane trouble as we tried to take off from refueling in the Azores on the way back from a NATO meeting in Europe. We had to return to the Azores because of pressurization. We tried again. And Jerry Solomon was stewing because he had to get back here to chair a Committee on Rules hearing. His wife tried to calm him. My wife tried to calm him. Eventually about 6 hours later we got on to a transport plane, no seats, just webbing and the floors.

I can recall and I am sure Freda will recall how that ramrod straight-back Marine was lying back on the floor in the cold on the deck of the transport plane and we worked our way back to Washington, D.C. so he could take over the responsibilities of the Committee on Rules and move some important legislation for the House.

Jerry Solomon made many contributions here. It is impossible to enumerate them all. But of the things that the gentleman from New York (Mr. GILMAN) and I had the privilege to do today is to offer an amendment to legislation that was pending and which we passed unanimously from the committee encouraging and enumerating the support for NATO expansion.

□ 2130

We amended that bill to name it for our colleague, our late departed colleague Jerry Solomon, because he was such a leader in encouraging the enlargement of NATO both within the assembly and here in the House of Representatives. And because the House of Representatives, of all of the entities across the whole world, took the lead first in trying to push for NATO expansion, and because Jerry Solomon played a major role in assisting President Clinton at the Madrid Summit, which considered for the first substantial time NATO expansion, for these reasons we thought it was particularly fitting.

So I want to thank the gentleman from New York (Mr. GILMAN) for joining me in that effort, for a suggestion that was always followed through on, and for yielding me this time on behalf of our beloved colleague, the late Jerry Solomon. We wish all the best possible in the days ahead to Freda and his family as they miss his physical presence here on Earth.

Mr. GILMAN. I thank the gentleman for his kind words on behalf of Jerry. I am pleased now to yield to the gentlewoman from Ohio (Ms. KAPTUR), who was kind enough to yield some time to us this evening so that we could proceed before her special order.

Ms. KAPTUR. I would like to thank our esteemed colleague, the gentleman from New York (Mr. GILMAN), and the

dean of the New York delegation, for yielding me some time, as a Midwesterner, a Buckeye, to place in the RECORD very sincere remarks in memory of the life of our beloved colleague, Jerry Solomon, someone with whom I had the great privilege of serving for over a decade and a half.

When I first came to Congress as a young Member we began our service on the Committee on Veterans' Affairs. He was already there. And I remember as a new Member his devotion, his commitment, his seriousness and his humor on the Committee on Veterans' Affairs. He then obviously moved over to Rules and became very involved there, rising to chair the committee.

I think I will always remember Jerry coming through these doors with those big brown folders. And I do not know how he got all those papers, but they were always like a foot thick and they had like a rubber band or a tie or something. The papers never seemed to fall out. He would kind of grip them, like that. It must have been an old duffle bag Marine trick or something, but he carried those folders all over the floor.

And what a great patriot. What a patriot. He loved this country so much. And I agree with what my sister colleague, the gentlewoman from New York (Mrs. MALONEY) has said. His determination and his directness was refreshing. It was so refreshing. Sometimes you didn't want to be at the end when it had a barb, but you always knew that he would level with you.

And he had such a way of carrying himself. He kind of pitched his shoulders here, and he looked like he planted himself on the floor. He always stood his ground.

Many people will talk about Jerry getting a little red faced and excited at times, but I also remember his humor, the great sense of humor that he had. And in some of the issues we got involved in, you needed to have a great sense of humor.

I remember his great friendship and support on all of the economic questions that we faced as a country, his deep concern about the workers in his community who had been thrown out of work, his mastery of international trade law, and his work with us in trying to right the wrongs that existed in trade policy so that we would pay attention to those who paid the price of trade laws that are out of balance, truly, and do not pay enough attention to workers. He really fought for the workers of his State and our country.

So I just wanted to say to his wife Freda, to his five children, and they used to sit down in the dining room here all the time and dine together, his love for you shown always. And I can still see his smiling face. What a square-jawed, patriotic, truly caring gentleman he was, and it was my great privilege to have served with him.

I thank the people of New York for renewing his election many, many, many years, allowing him to gain the seniority here where he was given true

voice. My deepest condolences to his family and the people of his home State. And once again I thank the dean of the New York delegation for this opportunity.

Mr. GILMAN. I thank the gentlewoman from Ohio for her kind words.

I am now pleased to yield to the gentlewoman from Florida (Ms. ROS-LEHTINEN), a fellow member of the Committee on International Relations, who served with Jerry for a number of years on our committee.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman for yielding to me, and it is with great sadness that I join my other colleagues in noting the passing of former Congressman Gerald Solomon, one of the most effective and committed Members that this body has ever had. And although we are sad in noting his passing, we should take this opportunity really to celebrate his productive and fruitful life as a husband, as a father, as a Member of Congress, as a businessman, as a civic leader, and as a mentor.

With devotion and love, Congressman Solomon shared his life with his high school sweetheart, Freda, and later with his five children, including Linda, who works in our Committee on International Relations, and his six grandchildren. Although our Nation mourns the loss of this great leader, his family, as noted in their own words, lost a deeply loving husband, father and grandfather.

The spirit of love permeated all facets of his life. During his spectacular career in the House of Representatives, spanning over two decades, Jerry worked tenacious on issues benefiting not only his district in New York but benefiting the entire country. Love for his work and devotion to his country were the impetus for his efforts here in Congress. An example was his support of a balanced budget, of which he was a proponent long before it became in vogue, so that our country could be fiscally sound and responsible.

His love for the American people led him during his tenure as chairman of the Committee on Rules to streamline many areas of the House and reduce the size and the power of Congress to remain true to our belief that individuals and not Congress are vested with power.

Jerry's love for recognizing our country's veterans was the impetus for authoring the bill creating the Department of Veterans' Affairs, for co-authoring the GI bill, and fighting to establish the Saratoga National Veteran's Cemetery.

Work during his tenure in Congress was not limited to legislative efforts only. Jerry also led many task forces, boards, and represented us in important global organizations. My colleague, the gentleman from Nebraska (Mr. BEREUTER), mentioned some of those. For example, he was the Chair of the National Defense Task Force, he was the Congressional Advisor to the United Nations Session on Disar-

mament, Representative to the North Atlantic Assembly, Chair of the Political Foreign Affairs Committee, Chair of the House NATO Observer Group, and the U.S. Task Force on POW-MIAs.

Jerry shone in business as brilliantly as he did in Congress. His most recent business achievement was forming the Solomon Group, a successful consulting firm providing advice and counsel to Fortune 500 companies and international corporations worldwide. Before serving in Congress, Jerry was also a successful businessman, dealing with insurance, investment, and international trade.

We were fortunate to have known Jerry and to have had him as a congressional leader, but it is his community that will miss him the most. I am certain that the love and the kindness that he expressed to the people in his district, in his State, will be forever remembered and cherished. He said that his greatest enjoyment came from successfully helping people back home in his district cope with problems that they had with the Federal bureaucracy.

His selflessness and commitment to civic duty was demonstrated by his service as a volunteer fireman; his involvement with the Boy Scouts of America, spanning over 50 years; his founding of the Queensbury Kiwanis Club and the Queensbury Jaycees; his active membership in his local Elks Lodge, Free and Accepted Masons Lodge, the Royal Arch Masons, and the Joseph Warren Council. Through all of these activities, Jerry touched the lives of many who have also aspired to greatness, and numerous other honors that we cannot name tonight, for Jerry truly served as a mentor to many of us.

I am proud to pay tribute to this devoted leader, to this patriot, and to express my heartfelt condolences to his family and friends. May they find peace and comfort in the knowledge that he made significant differences in the lives of everyone whom he touched and that he was an inspiration to those of us who also serve. He will forever be remembered as a patriot, as an American, always a proud Marine.

Semper fi, Jerry Solomon.

Mr. GILMAN. Mr. Speaker, I thank the gentlewoman from Florida, the distinguished chairman of the Subcommittee on International Operations and Human Rights, for her very kind words.

I am pleased to now yield to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Semper fi. Always faithful. There is no better phrase to describe Jerry Solomon. He was always faithful to his family, he was always faithful to his God, he was always faithful to NATO, to our NATO allies, and to the cause of NATO enlargement. And I bring a warm heartfelt thanks from the Baltic countries of Estonia, Latvia, and Lithuania, whose role in NATO enlargement was always championed by Congressman Solomon.

He was always faithful to this institution, he was always faithful to the

Boy Scouts of America, his beloved Marine Corps, this country, and our beloved flag. His booming voice left this floor on his retirement, and on his death his voice has left this world. But the echoes of his booming voice will continue to ring: Duty, honor, country, or let's step outside.

I personally remember, always, one time when I heard "Shimkus, you voted wrong," right here on this floor. And the gentlewoman from Florida (Ms. ROS-LEHTINEN) has left the floor, but I think the vote was on Radio Marti. You know what? He was right.

I was not a classmate of Jerry's, I was not on his committee, and I am not from his State. I am just a veteran, like Jerry, who loves his country. Semper fi, Jerry Solomon. I will miss you.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Illinois (Mr. SHIMKUS).

I am pleased to yield to the gentleman from California (Mr. HUNTER), the chairman of the Subcommittee on Military Research and Development of the Committee on Armed Services, a good colleague of Jerry Solomon's.

Mr. HUNTER. Mr. Speaker, I thank my colleague for yielding me the time, and I thank all my colleagues for their wonderful and eloquent words. I was listening to them back in my office, and that is why I came over also, to pay tribute to Jerry.

A number of folks have talked about Jerry's countenance and his optimism and his appearance. And he was impressive because he had that big voice and he exerted that voice, and he had a great leadership role in this House. But he had this countenance and presence that I think, to some degree, was America's presence. He was optimistic. He was always ready to help. He believed very deeply in principle. I would hope that is how other nations would view the United States.

I can recall waging battles side-by-side with Jerry and with my buddies, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from New York (Mr. GILMAN) in the 1980s, when Ronald Reagan came in. And that was such a joy for Jerry Solomon, because he was such an ardent supporter of this guy who believed in peace through strength, President Ronald Reagan.

We fought what were known as the Contra wars, and those were the wars in which we came into an era at a time when most of our Central American neighbors had military dictatorships of one type or another. And through putting a shield around those countries, in terms of the foreign intervention, the attempt by the Russians, then the Soviet Union, to try to move into our hemisphere, and giving some leadership to those nations with respect to democracy, we ended up with fragile democracies in all those nations, which heretofore had had military dictatorships and, to some degree, tragic histories. But we did that by extending the strong hand of American leadership, and that was, I think, reflective

of Jerry Solomon's belief as to how this country should conduct foreign policy.

I recall all the debates we had on the nuclear freeze; the idea that somehow if we would just show a little more passivism, if we would simply halt and not do anything while the Soviet Union built 758 big ICBMs during the 1970s and early 1980s, that somehow they would reciprocate because of our kindness and our good personalities and they in fact would start to build down their nuclear inventory.

□ 2145

But Jerry Solomon believed you could only achieve peace by having strength. He was on the floor, as was the gentleman from New York (Mr. GILMAN) and the gentleman from Nebraska (Mr. BEREUTER), during the nuclear freeze debate that took place over 3 or 4 weeks, holding out until we impressed upon the American people, and I think the leadership of the Soviet Union, that we intended to remain strong and become stronger. Through the leadership of Ronald Reagan, they called up at one point, and the Soviets said can we talk. We did talk and that led to the first arms reduction agreements. That set the tone for the talks that are going on today, that will result in further reductions to our nuclear stockpiles, as well as the Russians'.

Jerry Solomon was here at a critical time in our history. He also believed in the American patriot. I think one of Jerry's great attributes was that he wanted to remake America in his image. I mean that in a good way. Jerry was a patriotic guy who served in the United States Marine Corps, and he wanted to make sure that every young man had that opportunity. He wanted to make sure that every young man registered with the draft and every educational institution which took its freedom to teach from the legacy of the 619,000 Americans who have died in this last century, Jerry wanted to make sure that those educational institutions, if they wanted to receive any largess from the Federal Government, would make sure that they allowed a draft registration and a presence of military recruiters on their campuses.

This was Jerry Solomon, the patriot. He believed that every American had a duty to serve his country, and as usual led by example by doing it himself.

Jerry, you have left us in a different era, a new era, with new threats, new challenges, new dangers, and some receding dangers. I think if this country will follow that model of optimism, of help for others who need help, of rugged individualism, and of peace through strength, that is the American idea that we only achieve peace and maintain peace in this world by being militarily strong and thereby being able to protect ourselves, and help others, if we follow that Jerry Solomon model, even in this new dangerous world that we live in, we will come out okay.

Mr. GILMAN. Mr. Speaker, I thank the gentleman. I yield to the gentleman from California (Mr. COX), the chairman of our Republican Policy Committee.

Mr. COX. Mr. Speaker, when Chairman Jerry Solomon died last Friday, America lost one of freedom's great friends.

Jerry had been leading the congressional charge to put the last nail in the coffin of Soviet communism for many years when I began working with him here on Capitol Hill in 1988. Decades earlier he had taken more direct action volunteering as a Marine during the Korean War.

In more recent years, it was my privilege to work with Jerry to promote freedom in place of communism in the People's Republic of China. It was Jerry's leadership, more than anything else, that permitted this House to act unanimously to put together the Select Committee on National Security that I, the gentleman from Nebraska (Mr. BEREUTER), and others from both sides of the aisle served upon. It was Jerry's help, as chairman of the Committee on Rules, in structuring that select committee of this Congress that paved the way for the unanimous and bipartisan result that we achieved, and for the implementation by the Congress and the execution of every one of our recommendations.

In 1988, Jerry's work on the Committee on Policy's policy for freedom brought us 11 separate pieces of legislation that were passed essentially unanimously by this full House, and again the gentleman from Nebraska (Mr. BEREUTER) worked very closely with the chairman of the Committee on Rules, as did the chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN), who has already spoken in this Special Order this evening.

In fact, Jerry Solomon dedicated his entire career to advancing human freedom, and he deserves credit for advocating policies supporting freedom in Central America, in Eastern Europe, and Central Europe. Jerry would be the last, however, to tell us, mission accomplished. If Jerry were still here, he would be doing what he did every day, exhorting the rest of us to work as hard as we could, as hard as he worked, to rededicate ourselves just as this tireless Marine did to see the end of communism in the People's Republic of China, to see the end of communism in Vietnam, in North Korea and Cuba.

Jerry did not live to see Fidel Castro brought to justice, and yet he was an unwavering voice against appeasing the Castro dictatorship to his last day. He did not live to see America's victory in the war on terrorism that we are fighting right now; and yet all of the work that he did in this Chamber has prepared us to win this war because his work and his leadership ensured that our fighting men and women will have what they need to see us through to victory.



Jerry was an active and invaluable member of the House Republican Policy Committee during the entirety of my chairmanship from 1994 to 1998 when he retired. As chairman of the Policy Committee, I will forever treasure the opportunity I had to work with him as one of the chief leaders in the House of Representatives, the chairman of the Committee on Rules. I will be forever grateful for his tremendous contributions to the committee and this Congress in time, advice, wisdom, and policy.

Jerry was also a practitioner of bipartisanship at its best. He was a leading Republican in the Congress, but he was also a leading Member of the Congress who promoted comity in this institution every day. He worked with our colleagues, the gentlewoman from California (Ms. PELOSI) and the gentleman from California (Mr. LANTOS), in pursuit of human rights around the world. It was typical of Jerry that he commended his ideological opposite, Congressman Ron Dellums, admiring him for his sincerity and his principled opposition to the Gulf War, even as Jerry fought to do everything possible for victory in that same war.

Jerry Solomon's bipartisanship was not the feckless kind that seeks to muzzle debate. Jerry understood that only when all sides of an issue get a full airing is there a possibility to achieve true national consensus.

When America lost Jerry Solomon, America lost a hero. We owe him an enormous debt. Thanks to Jerry, America's men and women are so well prepared and so well equipped today that I have no doubt when we achieve victory on today's war on terrorism, we can say thank you, Mr. Chairman. I wish Jerry were here tonight so we could say personally what we all feel in our hearts. Mr. Chairman, we miss you.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from California (Mr. Cox) for his eloquent words.

Mr. Speaker, first I want to thank all of my colleagues who participated in this tribute to one of our great heroes, Jerry Solomon.

Mr. Speaker, in the House, in the Senate, in Washington, in New York State and overseas, many of us were deeply saddened to learn late last week of the loss of our former colleague, Jerry Solomon. In New York State's capital, in Albany, Jerry was an assemblyman noted for his energy, determination and his commitment. It was, therefore, no surprise to those of us who knew him when he subsequently brought those same characteristic traits to bear as a Member of Congress and as a distinguished chairman of the Committee on Rules.

Jerry came to the House in January 1979 serving here for 2 decades, diligently and meritoriously representing his constituents in the 22nd Congressional District in upstate New York. He came to the floor of the House placing his large accordion Solomon folder, placing it on a desk with those large

letters staring us in the face, always ready to stand up vociferously for what he believed in when it came to our Nation's defense, for veterans, and his never-ending fight against communism.

Last week, upon learning of the passing of our former colleague, President Bush said "Jerry Solomon was a true patriot who will always be remembered as true to his creed, duty, honor and country." The President's words remind us that as our military goes into battle against those who perpetrated the atrocities of September 11, our troops are now relying on advanced weapon systems and technologies that Jerry Solomon fought to obtain for them.

As a Marine veteran, Jerry Solomon was proud to be labeled a hawk on defense, consistently arguing that our Nation had to stay prepared and strong for the new challenges in the post-Cold War world. Today we fully recognize his wisdom in that policy.

In 1998, Jerry Solomon successfully helped us raise our program of rewards for any information leading to the arrest of terrorists to \$2 million, four times the maximum reward at that time, and now we are considering a reward of \$25 million. I know how strongly Jerry believed that the money would be well spent if it helped to stop even one act of terrorism against our Nation. He was right.

Mr. Speaker, along with many of us who have served here in the Congress, Jerry Solomon sought to make our Nation better more prosperous and more secure. Let me cite some of his many accomplishments during his 20 years of congressional service: the promotion of the director of Veterans Administration to a cabinet level office; the passage of legislation to reduce illegal drug use and to fight drug dealers; the reform of the rules of the House; the passage of legislation linking Federal student aid to registration in selective service; his chairmanship of our House task force on prisoners of war and missing in action; his passage of legislation to compel reform at the United Nations; creating the Saratoga National Veterans Cemetery, where he has recently been buried; representation of the House in the political arm of the NATO Alliance for some 18 years where he served with the gentleman from Nebraska (Mr. BEREUTER).

Today in honoring Jerry, the gentleman from Nebraska (Mr. BEREUTER) and I introduced in our Committee on International Relations, as the gentleman indicated, and it was the committee on which Jerry served for many years, we introduced and adopted a measure, The Gerald B.H. Solomon Freedom Consolidation Act, which promotes the continuing enlargement of NATO; and that measure will soon be brought to the floor.

In 1998, Jerry authored a book entitled "The NATO Enlargement Debate: 1990-1997: The Blessings of Liberty."

His allusions to our own Constitution's preamble was meant to convey

the view that people everywhere should be able to live in liberty, a view to which he dedicated much of his life. Jerry had many legislative victories and some defeats, just as we all do; but he never gave in when it came to matters which he felt involved principles, whether human rights in China, the desecration of our American flag, or the support of family dairy farms and small businesses.

Jerry would not forgive me, of course, if I failed to mention his love for and devotion to the United States Marine Corps in which he served for several years. My wife, Georgia, joins with me in extending our heartfelt condolences to Jerry's beloved wife, Freda, and to their children, Susan, Daniel, Robert, Linda and Jeffrey. Linda has served on our Committee on International Relations. And to his brother, Richard, and their grandchildren.

While our words may not assuage their sense of loss, we hope that they can take some comfort in our recognition of the rich, fruitful life that Jerry lived and the way the world embraced his spirit.

Jerry, when you left Congress some 3 years ago, we in the Congress and in New York State and all those across the Nation missed you. We missed your shouting at us from across the floor, "We need that vote. One more for the Gipper."

May God bless you, Patriot Jerry Solomon. You leave behind many fond memories, a loving family, your devoted staff and friends who will long miss you. Semper fi, Jerry.

Mr. FROST. Mr. Speaker, I rise today to express my sadness at the passing of our former colleague Jerry Solomon. Jerry was a dedicated and hard-working Member of Congress, a loyal former Marine, a true fiscal conservative, and he was my friend. I rise today to express my most sincere condolences to Freda Solomon, a lovely and gentle lady with whom I spent many pleasant hours, and to their children and grandchildren. Jerry always worked too hard, but I have to believe that he always did so because he believed so passionately in this Nation and wanted to make sure that its ideals and goodness were preserved and protected for his family, for mine, as well as for every other American family.

Jerry also believed passionately that ideals embodied in the democratic form of government we practice in the United States were worthy of export. Given his long-term commitment to the protection of freedom through his active participation in the North Atlantic Assembly, it was natural that he be given the role of ranking Republican Member when former Speaker Foley created the Special Task Force on the Development of Parliamentary Institutions in Eastern Europe shortly after the demise of communist governments in Poland, Hungary, and Czechoslovakia in 1989 and 1990. Jerry worked closely with me during the four years I had the honor to chair the Task Force, and in 1995 and 1996 carried on the work we had started. He took a keen interest in our work and saw, quite correctly, that the United States Congress could play an exceptionally valuable role in the development of new parliaments in countries that had, for 50

years, lived behind the Iron Curtain. I will always be grateful for his help, his suggestions, and his counsel during the years we worked on that project. It was a truly bipartisan effort, in fact, it was an American effort. We did something valuable, and it did not matter that Jerry and I rarely agreed on much in the legislative arena. We knew we were doing something special and we knew we were doing something for the good of our families, and for the families of the world.

Jerry did work too hard. He was probably born to work too hard, but he was also born to be a Marine. He was so proud of his service to his country in uniform and that pride never left him. We saw it every day in his ramrod straight Marine posture, in his dedication to the men and women who served before and who serve today, and in his dedication to his country. It is fitting that he has been laid to rest in the Saratoga National Cemetery, since he was instrumental in its establishment.

And so, Mr. Speaker, I extend my condolences to Freda and to his children and grandchildren. They should be proud of him and all he did in service to his Nation, to the flag, and to his family. He was the true embodiment of *Semper Fi*.

Mr. HYDE. Mr. Speaker, it is with a sense of profound sadness and a touch of nostalgia and deep admiration that I take the floor today to speak about a man who served his country and this House with vigor distinction. Jerry Solomon was a man who took the concept of service to country to its highest plan. He was deeply committed to keeping America the bastion of democracy which the founding fathers envisioned.

As anyone who met Jerry knows, he served proudly, and with great honor in the United States Marines. *Semper Fi* was more than just a slogan to Jerry. He took those words to be his code of conduct both in the Marines and later as a Member of the House. It was a true badge of dignity and commitment for him.

When Jerry was elected to Congress, he was exultant in having found another way to serve his country. While he was dedicated to the constituents who so wisely chose to send him to Congress, he was ever mindful of the responsibilities he bore as a United States Congressman. He realized that every vote he made, and every action he took, affected the nation as a whole. While some Members find this responsibility to be a heavy burden, Jerry relished in having the opportunity to do things to make America a better place to live and work and a stronger example of the glories of our democracy.

When he became chairman of the Committee on Rules, Jerry's responsibilities expanded. He was clearly up to the task. He took this extra assignment knowing how important it would be, but also well aware of the enhanced burden it would carry. Jerry managed to walk the tightrope of being a fair and equitable chairman, and still keeping the mission of the majority in mind. He was a key member of leadership, and used that position to continue his never ending quest for a better America.

The House has lost a tremendous asset, I have a lost friend, and this nation has lost a great patriot. How comforting it would be in these times of national stress to have Jerry here to lead and inspire us in all the challenges ahead.

When someone you love dies, he is no longer where he was—he is with you, in your

heart and memory. Rather than mourn our loss let us be glad he lived and we knew him.

My deepest sympathy to his wife and his family—especially his daughter Linda.

Ms. HARMAN. Mr. Speaker, I join my colleagues in paying tribute to our late colleague, Gerald Solomon.

Jerry was a very special individual, Representative and friend. Others have described his reputation as "the pit bull of the House." I want to describe how encouraging and war, he was under that rough exterior.

As chairman of the Rules Committee, Jerry had enormous influence as gatekeeper of the kinds and number of amendments that could be entertained on the House floor.

Many a time, I testified before him and the Committee—pleading the merits of the amendment I wanted to offer to some bill.

I particularly remember the repeated appearances that Bill Brewster, Mike Crapo and I made to the Committee to pitch the importance of our "deficit reduction lock box" amendment. Our amendment would designate and "lock" all savings from amendments cutting spending to deficit reduction.

On every appropriation bill, we asked that our amendment be made in order.

In all cases, Jerry was attentive—even after I starting sporting a "where's the money" button on my lapel and when it was clear from the outset that our amendment would not be made in order.

Each time we testified, Jerry was encouraging of our efforts and supportive of the goal of our amendment—even as he and his Committee denied the waivers necessary for us to offer it.

He loved my moniker—"mother of the lockbox." We chuckled that it had many fathers, but only one mother.

In fact, Jerry understood the importance of the fiscal discipline we were proposing and I think he winked many times as a way to encourage us—even though the act of denying us the opportunity to offer the amendment embarrassed him and other fiscal watchdogs in his party.

In time, of course, and with behind-the-scenes help, the deficit reduction lockbox amendment was indeed made in order to one appropriation bill. And the House also considered the lockbox as a separate bill. The author of that bill was Jerry Solomon himself.

Even after he left Congress, Jerry continued to greet the "mother of the lockbox" with a hearty laugh, a twinkle in his eye, and words of encouragement.

We will miss you Jerry.

Ms. PRYCE of Ohio. Mr. Speaker, I rise today to honor our friend and colleague from Glens Falls, New York, Gerald Solomon.

I had the honor to serve with Chairman Solomon on the Rules Committee. He was a strong leader for our committee who stood firmly on his policy beliefs and was respected for it. He was unyielding and passionate on the important issues. I can tell you, there were many times that I was glad to have him in my corner.

During his twenty years of service in the House, Chairman Solomon was a tireless advocate for the people of the 22nd district of New York. He was a true and dedicated public servant—in every best sense, a patriot.

He served in the United States Marine Corps and exemplified its true spirit. He was always faithful to the corps and his country. As

a member of Congress, he was an unrelenting defender of the American flag—the symbol of our nation that has engendered so much unity and pride in these trying times.

I remember Chairman Solomon fondly for so many things, perhaps best of all because he shared my passion for adoption. He was dedicated to helping children find permanent, loving homes. In fact, he was invaluable in aiding two of my constituents in their fight to keep their adopted children. I know that they remember him as I do—as an advocate for families.

Here in the House, we remember Chairman Solomon for his service to our country. He was also a husband, a father, and our friend. He will be missed.

Mr. BILIRAKIS. Mr. Speaker, I would like to take this opportunity to pay tribute to my former colleague and friend, Representative Gerald Solomon, and express my deep sorrow for the recent loss of this great American.

Jerry Solomon faithfully represented the constituents of New York's Twenty-Second Congressional District for 20 years. First elected in 1978, Jerry distinguished himself as a champion of conservative values in the House of Representatives. For years he fought for smaller and more accountable government, opposing policies which would threaten liberty.

Jerry was never afraid to speak his mind and take strongly held positions on important issues. He vehemently opposed the North American Free Trade Agreement (NAFTA) and favored an end to China's most favored nation trade status. He argued for creation of the line-item veto, defended constitutional rights, and chastised young people who ignored their responsibilities. Whether or not you always agreed with his position on the issues, you always had to admire the boldness which characterized his commitment to the causes in which he believed.

As a former Marine and Korean War veteran, Jerry served the interests of our Armed Forces and veterans as a member of the House Veterans' Affairs Committee. As the ranking Republican on the Committee in the 1980s, Jerry helped pass the 1984 G.I. Bill of Rights, an important tool which served to increase veterans' benefits and attract quality recruits to the military. I was honored to serve with Jerry on this Committee during my first terms in Congress.

Many would argue that Jerry's greatest achievement in Congress was his ascension to Chairman of the House Rules Committee. While he certainly served this body, the legislative process, and our country well in this position, I would maintain that his greatest achievement was the dedication with which he served his constituents for two decades.

Mr. Speaker, it is with great sadness that I offer my most heartfelt sympathy to the Solomon family. For while America has lost a great man, they have lost a great husband, father, grandfather, brother, and uncle.

May his memory be eternal!

Mr. WOLF. Thank you, Mr. Speaker. I appreciate the opportunity to participate this evening in a special order to remember Jerry Solomon. We were all saddened to learn of his passing last weekend and extend to his wife Freda and his children and grandchildren our deepest sympathy.

Jerry was a friend and colleague. I had the privilege of serving with him for 18 years until he retired from the House in 1998. I also had

the honor of working with him on several major issues over the years. We both had serious reservations about the nature of U.S. relations with the People's Republic of China (PRC).

In fact, in the mid-1980's, Jerry Solomon introduced legislation prohibiting the export of U.S.-built satellites to the PRC. He argued that exporting these satellites to China would place at risk our most sensitive military technology. Ten years later we knew Jerry was right. The Chinese were stealing this satellite and missile technology and had used it to upgrade their ICBMs.

Needless to say, Jerry was a very effective legislator. Dozens of important laws are on the books which are authored by Jerry Solomon. Laws aimed to helping the American family by encouraging young people not to get involved with illegal drugs, the law which elevated the Veterans Administration to a cabinet level department, and the Solomon Amendment, denying student aid to people who refuse to register with the Selective Service. The list goes on and on.

A few weeks ago I visited the operations center for the FBI and on the wall was a large wanted poster for Osama bin Laden, offering a reward of \$5 million for information leading to his arrest. It was Jerry Solomon who put the terrorist reward law on the books.

When we look at what this country is facing today we are hard pressed not to think of Jerry. A few years back some people thought Jerry Solomon was a throwback to some other time because he was so patriotic. Not today. He loved America and as a Marine would have died for his country.

Jerry sponsored legislation to prohibit the desecration of the American flag. It is a symbol of what unites us as a people and what is best about America. Who can forget the firemen in New York raising that flag at Ground Zero, the crater where the World Trade Center once towered in tandem over the city.

In Jerry's Capitol Hill office there were shelves covered with firemen's helmets from many of the small towns in his upstate New York district. He respected and honored our firemen. Today, everyone appreciates them.

Jerry always honored and respected our police, our veterans and our men and women in uniform. Jerry had a real appreciation for how difficult and important their work is. Today all Americans appreciate them.

Jerry Solomon wore an American flag lapel pin every day for the 20 years he served as a Member of Congress. Today we all wear them.

Jerry Solomon was a true patriot and a good friend. He embodied his Marine Corps motto—*semper fidelis*—"always faithful." I will miss him.

Mr. GOSS. I am submitting my speech that I gave, Mr. Speaker, at the Honorable Gerald Solomon's funeral.

Were I a fully finished disciple of Jerry Solomon I would now set out right here on the lectern a big accordion file with "Solomon" written boldly across the front—this was his hallmark. The funny thing is—he didn't need it—everyone knew when Jerry was in the room. It will be easy to remember Jerry—so active, so involved in so many things. He touched so many lives—family, colleagues, marines, veterans, the people of the 22nd district and so many others. It will be very hard not to miss him. How many times since Jerry

left Congress have I thought "where's Solomon when you need him?" When confronted with issues of the day, especially now when patriotism is so much in the forefront. The display of our flag these days is just what he loved.

I am reminded of Jerry daily—or at least whenever the Rules Committee meets (so perhaps I should say nightly given our recent schedule) because his portrait in the committee room is positioned so he looks right over my shoulder—so close, he could whisper in my ear, which I am sure he will.

Jerry left his marks of fairness and dynamism and good spirit on the committee—they last today under David Dreier's able leadership. Jerry wasn't perfect. He failed to convince me that milk marketing orders were a good thing. He never could get David Dreier to agree to his views on trade. But, he ran a tight ship, even had his own phraseology, designed to save words and make the point. "step out side," and "taking you out to the woodshed" are phrases that had meaning when Jerry spoke.

The Washington Post this week labeled him a "blunt conservative." A more politically correct paper would have used "straight-talking patriot." Political correctness was not his way but Honest-to-God concern for people and his country were.

Many of us here today traveled with Jerry and Freda to far off places—some places I'd barely heard of—to serve our Nation's Interest. Somehow it just doesn't seem normal to get on a Codel plane without having Jerry and Freda leading the way. Early on, I found out that Jerry had discovered the best maple ice cream is found in Gander, Newfoundland. It was never a surprise to find ourselves on a plane that needed to refuel in Gander. He really loved that maple ice cream.

My favorite recollection dealing with European Parliamentarians—which we did a lot—occurred one otherwise quite Sunday mid-winter morning in Brussels. A certain self-approving Euro-speaker took some serious liberties describing U.S. foreign policy to belittle our country at a fairly high level gathering of influential parliamentarians. Without a note, Jerry instantly stood up, delivered a magnificent, passionate oration tracking in some detail American sacrifice and contribution to Europe from WWI to the Cold War. It was so stunningly effective that our European colleagues were literally "speechless"—a condition in which European parliamentarians have not found themselves before or since.

On another occasion in Bucharest, I watched Jerry take on Mr. Zhirinovski—a one-time Russian presidential candidate—who was making particularly obnoxious remarks about the United States without cause. Jerry made short work of him as he did of anyone showing disrespect to our country.

Jerry always got the job done—somehow. One day in the Ukraine, our delegation was offered a visit to Sevastopol, Russia Fleet Headquarters on the Black Sea. This had been an "off-limits" area—so we were eager to go, but the Ukrainians were adamant we must go on their plane (a well used Russian model) rather than our own Codel plane. Jerry dutifully took a vote of the delegation—which was unanimous—to go only if we could use our plane. Jerry "fixed it." We arrived at the airport dawn the next day—got on the Ukrainian plane and flew to Sevastopol. So much

vodka was consumed that day celebrating the American presence that it didn't matter what plane we flew on. Jerry got the job done.

Jerry's energy was legendary, he never saw a hill he didn't charge; some say he made hills where none existed just so he could charge up them. To Freda and family go our love and support and the certain knowledge that Jerry rests comfortably atop the Lord's hill now.

□ 2200

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this special order.

The SPEAKER pro tempore (Mr. PUTNAM). Is there objection to the request of the gentleman from New York?

There was no objection.

#### UNITED STATES INCREASING DEPENDENCY ON IMPORTED PETROLEUM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 60 minutes as the designee of the minority leader.

Ms. KAPTUR. Mr. Speaker, as we complete our commemoration this evening of our dear colleague Congressman Jerry Solomon of New York, I am reminded that his patriotism and his devotion to duty inspired us all, and as we confront this latest test of America's will and position in the world and what is just for all people, I am reminded of a book that I have been re-reading called *Sacred Rage* that puts in context some of the forces that are arrayed against the United States and our interests now and the entire issue of terrorism and its roots.

In that book by Robin Wright, much is discussed, including some of the religious fervor that has been promoted and directed against the people of the United States, some of the hatred of U.S. policies in the Middle East that are at the basis of some of the antipathy toward our country and our people, but also the economic underpinnings of the unrest in the Middle East and Central Asia and how directly it is tied to petroleum and oil.

This evening I am going to spend a little bit of time talking about that because, as the American people understand better some of the underpinnings of the terror, we can get a clearer sense of new directions to set in order to build a more peaceful world for the future.

This evening I wanted to talk about the United States' increasing dependency on imported fuel and petroleum, and I have two charts here that describe it very clearly.

This is a chart dating back to the mid-1980s and each year showing an increase in the amount of imported oil that comes into our country, and in spite of conservation efforts, in spite of

other things that we have done, more miles per gallons and so forth, we have become more and more dependent on imports of petroleum to drive this economy.

We imported 1.2 billion barrels of oil in 1982, but last year, 3.3 billion barrels, and so we have nearly tripled in the last 20 years our dependency on imported petroleum. Serious work on alternative fuels has been largely ignored, while billions of dollars in tax subsidies and profits have accrued to the oil industry.

The second chart that I have gives a sense of our entire petroleum usage in this country, which is the red set of bars here, and this is just the last decade from 1992 to the present showing that the number has been rising slowly, the usage has been rising slowly in total petroleum consumption, but the yellow bar underneath shows how much is imported of that total, and my colleagues can see that our total consumption is going up but the amount of imported fuel is going up as a larger share of that. In each single year of the 1990s and last year, it has gone up to now almost half of total usage in this country, and over half of what is imported comes from the Middle East.

Last year, the United States imported more than 3.3 billion barrels of crude oil, and our largest supplier, Saudi Arabia, actually sold us over 557 million barrels. America's addiction to imported oil threatens our freedom of action. It saps the lifeblood from our economy, and truly, it distorts our foreign policy goals.

What an irony of modern history that while our country's bombs fall on Iraq's no fly zone, our Nation continues to purchase an estimated \$15 billion worth of Iraqi crude annually. That is really something to think about.

America's addiction to imported oil threatens our freedom of action without question. A couple of decades ago when President Jimmy Carter warned about America's growing energy dependence on the outside world, our Nation responded by creating the Department of Energy with the goal of putting America on a course to be more self-sufficient.

Conservation saved millions of barrels per day, and more fuel efficient cars stemmed the growing usage of oil, but truly, Americans were never really committed to being energy independent, and we fell asleep as to the risks, again as these charts attest. We are more dependent now on imported oil than at any time in our history.

Half the oil, as I mentioned, that we consume is imported, and half of that comes from OPEC, from the OPEC cartel. We spend \$86 billion on our oil habit every year, and in the meantime, those dollars are foregone for domestic investment opportunities in alternative fuels for America's independence such as biodiesel, ethanol, clean coal, the range of alternatives that exists if we but had the will to apply them.

The United States Department of Energy itself has warned us that dependence on foreign oil has cost our economy deeply. Price manipulation, if you think about it, by the OPEC cartel from 1979 to 1991 cost our economy over \$4 trillion. One of the earlier speakers this evening talked about September 11, and in some places in our country the price per gallon going up to over \$4 a gallon. Think about the price manipulation that my colleagues might have seen in their own communities, in their own towns and think about all those dollars and how much wiser it would have been had we invested those here at home in domestic production.

America's foreign policy, particularly in the Middle East, has been heavily influenced by the extraction and removal of oil, and in fact, oil has become a distorting proxy for our foreign policy. It clouds it. It creates a situation where we cannot see politically clearly enough in that region of the world. We ought to remove it as a proxy for our foreign policy, and we ought to make a commitment to do it.

Becoming energy self-sufficient here at home makes global economic sense, too, because over the next 15 years the world oil reserves will begin diminishing. They have reached their peak in terms of availability on the face of the globe, and prices will rise even higher with each barrel pumped. There is no more opportune time for our Nation to get serious.

Putting America on a sound energy footing will require national leadership, and it will require the active involvement of our Federal Government and our State governments. The goal should be to make each State in our Union energy independent to the greatest extent possible and eliminate Federal requirements that discourage alternative fuels.

If you look at our defense budget, just the cost of maintaining the oil supply lines from the Middle East at a minimum costs us over \$50 billion a year, \$50 billion a year. That has to do with military emplacements that have been stationed in that part of the world, ships that patrol, planes that fly, et cetera. Imagine if we could be investing that kind of money here at home to make ourselves energy self-sufficient.

The State of Minnesota, and I just returned from there, is leading the way in new ethanol producing plants that are also creating new value added for our depressed world countryside. The Federal Government really needs to take a look at Minnesota, and every other governor should take a look at Minnesota. They are doing so much to encourage the use of renewable fuels, and I sort of felt as I went through Minnesota and I looked at these various farmer co-ops that were producing this ethanol, I thought I was seeing a modern day incarnation of Benjamin Franklin or Thomas Edison. They are tinkering around and finding an answer and applying it in that great State.

In addition to those kind of efforts, I have introduced other legislation that will deal with America's long-term energy dependence. One piece of legislation would expand and rename what we call the Strategic Petroleum Reserve and rename it the Strategic Fuels Reserve to allow that reserve to also access ethanol and biodiesel, not just crude oil and petroleum. The biofuels initiative would authorize the Secretary of Agriculture to provide loans for production distribution, development and storage of biofuels beyond the Strategic Petroleum Reserve.

These fuels provide the American farmer with new market opportunities, and their mass production could provide the rural areas of this Nation with the economic infusion of jobs and investment that has been dreamed about but has not occurred for generations. With a bill that has been introduced in the other body by Senator RICHARD LUGAR of Indiana, it is my great hope that for the first time we can look at this biofuels initiative and make it a central pillar in new agriculture legislation that will clear this year for our great Nation.

If you think about commodity crises and their levels today, it is clear that more can and should be done to utilize those domestic surpluses to produce new fuels for this economy. Economic security is provided by the increased utilization of renewable biofuels and would provide significant economic benefits.

According to our own Department of Agriculture, a sustained annual market of 100 million gallons of just biodiesel would result in a \$170 million increase in income to farmers, and that is a very small increase.

Ethanol, biodiesel and other alternative fuels also provide us with environmental security. Biodiesel contains no sulfur or aromatics associated with air pollution, and the use of biodiesel provides a 78.5 percent reduction in carbon dioxide emissions compared to petroleum diesel, and when burned in a conventional engine, provides substantial reduction in unburned hydrocarbons, carbon monoxide and particulate matter.

For too long we have been uncreative and cynical about the opportunities that alternative energy sources provide us. Some day, not so far from now, the oil reserves will be tapped dry. Alternative energy sources like ethanol, biodiesel, solar energy, wind power, geothermal, fuel cells, clean coal and hybrids will provide us with new opportunities to become more energy independent and to determine our own destiny, not be forced to shape the foreign policy and economic domestic policy of this Nation based on imported petroleum.

I have been active on this issue for quite a while. Last year, as I mentioned, during the appropriations committee markup, we had an amendment which would have increased the appropriated amount for renewable energy

programs by \$106 million. It failed in committee, but an amendment I co-sponsored with former Congressman Matt Salmon increased that funding by an additional \$40 million.

We just have to be vigilant, and if one looks at the Strategic Petroleum Reserve, which I referenced a little bit earlier in my remarks tonight, if we think about that reserve, it should hold about 700 million barrels of crude. It only has 545 million barrels today, sufficient to push the United States from wild price swings for a period of approximately 53 days. None of the fuel in that reserve is biobased. In fact, 92 percent of the Strategic Petroleum Reserve has been purchased from foreign sources; 41.9 percent from Mexico; 24 percent from the United Kingdom; and over a fifth from the Middle East, the OPEC-producing Nations.

The Strategic Petroleum Reserve should also include the development of alternatives to our Nation's reliance on petroleum.

□ 2215

Every single part of our government should be asking the question, how can we move America toward a more independent future? How can we make our economy more secure in the years ahead?

This is a primary source of instability. Since the economically damaging Arab oil embargoes of 1973 and 1974 and 1979, to the current recession which was precipitated by rising oil prices that began in 1999, the economic stability of the United States has too often in modern history been shaken by economic forces outside our borders. How long is it going to take us to wise up?

Legislation here should shift our dependence away from foreign petroleum as our primary energy source to alternative renewable domestic fuels. Currently the United States annually consumes about 164 billion gallons of vehicle fuels and 5.6 billion gallons of heating oil. In 2000, 52.9 percent of these fuels were imported. That means every time you go to the gas station and you fill your tank with gasoline, half of what you pay goes offshore to one of those oil cartel interests. Does that make you feel good? Would you not rather be investing those dollars in this country?

Since 1983, the United States importation of petroleum and its derivatives has nearly tripled, rising from 1.25 billion barrels in 1983 to a level of 3.3 billion barrels in the Year 2000.

If we think about the benefits of continued development and utilization of ethanol and biodiesel, they involve energy security for our country, economic security based on independence that we grow and process here at home, and environmental security.

In terms of the Middle East and the situation we are now facing with Enduring Freedom, there is absolutely no question that every single one of those Gulf oil states, their economies are

propped up by the dollars that come from inside this economy. Now, we cannot cut them off tomorrow, it would create a terribly disruptive situation in that part of the world. But it is high time that the United States thought very hard about how it is going to live up to the promise of our founders, and that is our own new Declaration of Independence, recognizing how our independence is being subscribed by forces that perhaps because of inertia we have let overwhelm us, but now, particularly at this time in our history, to be wise enough and to have enough foresight and enough determination to wean ourselves off of this dangerous dependence on imported petroleum.

To think that we have major military presence in the Middle East, not because of Enduring Freedom, that has come on recently, but major military presence to patrol those oil lanes and to make sure that that product gets to our shores, should cause every single American to think very hard. What does that mean to our children's future? What does it mean to the independence of this country?

Think about the fact that \$50 billion to \$100 billion of taxes paid every year by the people of this country go directly into our defense budget to support the petroleum industry, which is largely now every year more and more an imported product into this market. Would it not be wiser to spend those dollars here at home, using our ingenuity, using our promise, using our hopes for a better future, and investing every single dime here at home where it would create ripple effects into our economy and cut our very dangerous dependence on imported petroleum?

Mr. Speaker, I want to thank those who have listened this evening. I think that this is absolutely the most important economic issue that faces us as we try to move toward peace and resolution of the very serious threat that is facing our country from the Middle East. But unless one understands this piece of the equation, one will never be able to understand how to lead us to a more secure and independent future.

#### BORDER, DRUG AND ANTI-TERRORIST POLICIES

The SPEAKER pro tempore (Mr. PUTNAM). Under the Speaker's announced policy of January 3, 2001, the gentleman from Indiana (Mr. SOUDER) is recognized for 60 minutes.

Mr. SOUDER. Mr. Speaker, tonight I would like to focus on our border policies and drug and anti-terrorism policies and want to share a number of things that we have been working on, and hope to continue to do this as we are in session the rest of this year.

First, I want to begin with a series of hearings that we are working with on the north and south borders. The actual conception for this idea came out of the U.S.-Canada Parliamentary Conference last May. Some of the Cana-

dian legislators had expressed concerns that the slowdowns at our borders, much like on the Mexican border, were impacting commerce.

We have become so interconnected in all of our border states, particularly you think of California and Texas, but in the Midwest, Michigan, as well as my home State of Indiana, Ohio, Illinois, New York State and all of New England, are very interconnected with the Canadian trade. We have gained almost as many jobs in our trade with Canada as we have lost to Mexico in Indiana, and in Texas they have gained from Mexico, but lost some to Canada. That is what the North American Free Trade Agreement was originally conceived to do, and ironically seems to in a way that many of us were skeptical about, be working, but only if our borders work.

At the same time, I as cochair with Susan Whalen of the House side of the Transborder Sub Group in our Canadian Parliamentary Conference, as I pointed out, we are not going to back off on our drug war, we are not going to back off on illegal immigration because of the trade thing.

We have to figure out how we can have adequate means to move commerce and the people moving across the border and still protect our borders. That was long before September 11. We had agreed to hold a number of hearings on the border. After talking with the gentleman from Arizona (Mr. KOLBE) and the gentleman from North Carolina (Mr. BALLENGER) and those in the U.S.-Mexico Parliamentary Exchange as well, we decided to do some on the south border.

At this point, we are at least going to do the Detroit-Windsor corridor, the Buffalo-Toronto corridor, the Seattle-Vancouver in the north, as well as the New York-Montreal, Boston-Montreal corridors, and on the Mexican border, the California crossings, Nogales to El Paso-Juarez and the Monterey zone.

To get a picture of what is happening on our borders, our first hearings were held this past weekend at Highgate Springs in Vermont, which is the I-89 corridor where Montreal, Quebec City come down and into Boston and New England, and at Champlain, New York, on Monday morning on the I-87 corridor where Montreal comes down to New York City.

We also visited the border control regional command center. Twenty-four states are coordinated out of Burlington, Vermont, the U.S. Coast Guard Center on Lake Champlain, and the southern border crossing between I-89 and I-87.

The first zone highlights from these first hearings highlighted certain things that are likely to be repeated as we do other hearings. One, there is insufficient staffing for customs, INS and Border Patrol. Two, the current staff is working overtime and having vacation leave canceled, which is exhausting them and also reaching the overtime limits in some cases. You can do that

for a short period, but not for 10 years, if we are in a long-term war with terrorists. Three, because of the pay grade and benefit restrictions, many INS agents are leaving the agency. Four, few receive language bonuses, some even who are bilingual.

We have a different kind of problem. We have looked at this in different ways, but the State Department test difficulty, which is one of the ways we give language bonuses, is probably too stiff for what we need for conversational language at the border. Thus, we had one case of a person I talked to, because with Quebec there at that northern border, French becomes critical. Yet at the same time one person who grew up in Quebec, whose first language was French, could not pass the State Department test.

This leads us to the question of we are not even sure whether our government employees, including maybe Members of Congress, could pass the State Department English test, because it is testing things beyond conversational level. What we really need at the borders are conversational level, to be able to identify things and certain key phrases, like, for example, anthrax. So we have fewer people taking language training where we actually need it because of this difficulty.

For example, in this north zone, and I am going to point out later it is important because Montreal has been a center for a lot of these terrorists to move around at different border crossings and different ways in the United States, we do not have anybody in the entire zone who can speak Farsi. We only have one at a regional headquarters who can understand Arabic. For that matter, you could conceivably have anthrax or illegal narcotics sitting in your front seat and as long as it is in a language that the Border Patrol or the INS agent cannot read, theoretically it could get through. We need to have more language understanding, certainly like Spanish on the southern border, or French on some of our borders as well.

Also infrastructure needs are significant, but they differ by station. Trade we also learned is the lifeblood of the border communities, and it is down and it is going far beyond just the border communities.

Let me step back for a minute and look at the border perspective in a bigger way. The U.S. customs has, along with INS, border crossings from basically Seattle or the Blaine crossing, all the way up to the northeast corner of Maine. There are hundreds of crossings. In addition, some of those run along water, such as the St. Lawrence River or Lake Champlain or Puget Sound. Some of them have natural barriers, and some of them are just woods or open space like in Maine and Montana.

The major ones, as I mentioned, that we are looking at on the Canadian side are Vancouver, Seattle, Toronto as it goes to Buffalo and Niagara, Montreal as it comes down, and Detroit-Windsor.

Then if you look at it from the perspective of border security, Winnipeg, International Falls, as well as Thunder Bay and Grand Portage at the top of Minnesota flows down toward Minneapolis-St. Paul, going toward Chicago. You also have the Edmonton and Calgary areas in Alberta that come across all that open space in Montana, and then Maine and North Dakota.

On the southern border with Mexico, you have San Diego-Tijuana moving east all the way to Yuma. Then you have a sector of where Tucson and Nogales moving through New Mexico towards El Paso-Juarez, and then another heavily crossed area that feeds into Monterey and the zone where so many American industries have located across the Mexico border, crossing at Laredo, McAllen and Brownsville.

You have one gap running from El Paso down to Laredo where Eagle Pass is that is a kind of a no-man's zone, and no major highways connecting, and a lot of Desert, but has also been a pressing point.

So when you say your goal is to seal the border, it is not that easy when you look at the total number of mileage. In this description that I just gave you, it is not just that, it is the airports and it is the water. We have major customs facilities obviously watching the Gulf of Mexico, the entire East Coast of the United States, as well as the West Coast of the United States, all of the airports.

Let me give you an example as I alluded to earlier. In the specific crossings we worked in Vermont and New York, you have a crossing at I-87 that is the Maine corridor. Then you have a little bit of land and water from Lake Champlain. Then you have a small station that up until we went on high alert only had one person there and was only open for part of a day. Then you have more Lake Champlain. Then you have a crossing at I-89 that is a major crossing. And then a whole series of small crossings, some of which are unmanned and some of which have one person and now have a little bit more pressure on them.

You look and say, boy, that water in there, I wonder if somebody could move through the water? Or think of the St. Lawrence River and the area called 10,000 Islands. Or at the Great Lakes, anybody who has crossed at Souix St. Marie, you see Manitoulin Island in there and the crossing from Manitoulin Island and jumping over to some of the northern Michigan places is basically a row boat.

Similarly, in Puget Sound, anybody from the Northwest can understand that there are lots of islands there. And if you have any doubt that we are vulnerable there, remember had it not been for an extremely vigilant customs officer highlighted in the PBS special aired last weekend, that one of the millennium bombers targeting LAX Airport was captured at Port Angeles, who, by the way, was coming from

Montreal. He crossed clear across Canada and tried to slip in through a ferry boat to Port Angeles, Washington, coming across the water, in the Straits of Juan de Fuca.

This is not easy, and those who think we can easily seal the border are making a serious mistake. But it is not to say it is impossible.

Let me get into some of the specific challenges at the border hearings we had this week. At Highgate, Vermont, they have new facilities but not enough personnel to staff them. So they were looking at our backups on a Sunday night, even though there are estimates ranging of commerce being down approximately 30 percent right now. The question is if we continue to tighten the borders, particularly if we have any other terrorist incidents, and the terrorists are not American citizens, they are people who are coming in from outside.

□ 2230

Furthermore, we have this Quebec Gold BC Bud marijuana as well as Ecstasy and methamphetamines heading to New York and Boston through these border crossings, they are not things that come from inside the United States. And this Quebec Gold and BC Bud is selling in many places higher than cocaine, it is not marijuana, it is much more potent than traditional marijuana, and is as dangerous as cocaine.

So if we are going to seal these borders, at least to some degree and keep the commerce going, we have to have enough personnel to open more lanes. We cannot simultaneously say that we want commerce to work, we want more American jobs, we do not want to depress our economy; and, by the way, we do not want terrorists, illegal drugs and illegal products in the United States and immigration problems; we want the border secure, without saying then we are going to put sufficient people to keep all the lanes open where we have built the facilities and able to do that. Now, at Champlain, they still need more personnel, but they have more personnel; their backups were less, substantially less, but their traffic is way down as well. The question is what will happen when the traffic picks up, but there they do not have the facilities. There the trucks were backing up and they need a new truck facility to be able to process the trucks. At Highgate they have new equipment coming in for scanning and they are making some progress with that as well at Champlain, but those are important things, because in the trucks is a great place to stick illegal narcotics. They find them in the axles, they find them in tires, they find them packaged inside other containers. But among other things, you can hide illegal immigrants and terrorists in the back of those trucks as well. Often they find people sneaking in inside those trucks too.



Third, single-person staffing and not 24 hours is not acceptable at key border crossings. Short term, we are double staffing and keeping them open 24 hours. But unless we get more agents, this is not going to work.

Fourth, we have lots of unmanned roads in a variety of ways and we cover them with a variety of mixes: Of monitors, of roadblocks, of local people identifying, and it actually works pretty well, but we need some additional help. The news media has been really fond of particularly picking on the Vermont border right now as well as, to some degree, the New York border because of some incidents that have occurred. But what has not been told is that in almost all the cases, the news media has been caught. Even though they originally did not think that they were being caught, they were being tracked and eventually caught. Part of the argument is how fast they were caught. But in some of the places, they are actually legal, because the road runs along the border on the Canadian side, and only if one takes a right turn or a left turn, depending on the place into U.S. territory and then do not report, is one violating the law. So it can take, even when we are doing the right thing and tracking appropriately, 10 to 15 minutes before somebody catches you, because you were not illegal most of the time, and some of the media has been reporting has, quite frankly, been inaccurate. We have done a better job of protecting the border than one would think, but we still need additional things, because as we put the pressure on, so will those who want to violate the law, including terrorists.

Fifth, the water. In Lake Champlain we obviously need a little bit better protection, but in fact we have a pretty good method of watching, we just need a little bit of additional protection on the eastern part of the lake, the northeast part of the lake.

Sixth, we have an Indian reservation over by Mecina to the west that is cooperative, but because it is in effect an independent Nation, we treat Indian reservations differently than other areas as far as border crossing, and even though the local tribal council has cooperated, it is problematic how to deal with this, particularly when there is, in Canada they call them the first nations, when they have a reservation on the other side, because the law enforcement policies are different. So it takes excellent cooperation.

Seventh is just walking in the woods. Because they have caught a lot of people carrying these potent drugs in backpacks just walking through the woods across the border. Now, this becomes problematic. But remember what I said is we caught many of them.

The interesting thing here is the reason, and this could depress us to listen, because this is just the Vermont and the New York zone here, but the encouraging thing is if we can concentrate the pressure at the major crossings and fan them out so that

they have to go wider and wider, just like we have worked with immigration policy along the Mexican border, it is easier to catch somebody going through open desert than it is when they get lost in a crowd at San Ysidro at the San Diego crossing.

The same thing in the north country. You may think you can walk through the mountains or in the woods of Maine or Vermont or upstate New Hampshire, but there are several things working against you. One, it is cold there a lot of the year. You are going to leave foot prints, even snowshoe prints. You are going to have to eventually hook up with the car, and we are monitoring, and the other thing are the locals. Just like on airplanes, where the private citizens on the plane need to be watchful as well, the same thing is true on the borders. It is amazing in these tight knit local communities, they know when somebody strange is coming across and they report it. To the degree that American citizens join in, we can, in fact, make many of these borders much more secure than one would think at first glance.

Now, on October 17, our subcommittee also held a hearing entitled, Keeping a Strong Federal Law Enforcement System that featured U.S. Immigration and Naturalization Service, the INS Director James Ziegler, as well as Assistant Commissioner at U.S. Customs and the Assistant Director of U.S. Marshals. They made several key points. Because bottom line is, we cannot control or seal the border if we do not have the agents.

In Congress, we passed this really bold bill. We said we want 3,000 new Border Patrol and INS agents. Well, that sounds real great until we get to the point of last week, we did not add agents, we lost 5 agents just before we had one meeting. What we were told at these hearings is up to 67 percent of the agents are looking at leaving in the next couple of years, and we are talking about adding them. This is our frontline of defense.

Well, what are some of the problems? We have 6,000 miles of border and 300 points of entry. The budget calls for 3,000 to 3,500 new Border Patrol agents and immigration inspectors. In 1999, INS had to attract 75,000 applicants to fill 2,000 positions. Of those 2,000 positions, 37 percent were former military. Now, they say they do not recruit from the military, but, in fact, they recruit from people who are retired, and many people who retire are looking at whether it is going to be a satisfactory job, so people who have job options will leave the military, and re-enlistment has become a big problem. 30 percent come from local law enforcement. That was one of the debates we had here tonight on the Airline Security Act. If the Federal Government nationalizes all security at the airport, where are the guards going to come from?

Last week, last Sunday, to be exact, Philadelphia reported that they had 37

murders compared to 25 last September and directly attributed it to the fact that so many policemen had been taken off of traditional law enforcement and moved towards antiterrorism efforts. Twelve people died because we were chasing things that did not happen in Philadelphia. That has been repeated all over America. We cannot do more things with the same number of people without diverting resources from one place to another. People are dying daily because of drugs; children are being abused, wives are being beaten, all sorts of things are happening in our country. If we do not have adequate law enforcement or if that law enforcement is chasing anthrax hoaxes or worried about things they previously did not have to deal with, and we have to reconcile this that if we are going to do more law enforcement, then we are going to need more agents. And if we are going to get more agents, given how hard it is to hold, retain, and recruit agents now, some changes are going to need to be made.

Well, like what? One, for the INS Border Patrol, they need a waiver of the overtime cap. I mentioned earlier at the borders that we visited this past weekend, they are nearing the overtime cap. They have people with no vacations and they are working overtime, and yet we capped them out of overtime, so that is not even going to be an option. Then, what are we going to do? In late November, early December, we are going to say okay, we have used up all of our overtime, we do not have any a little, I guess we will now just open up the borders completely. I do not think so. We have to address this rapidly.

Secondly, we need comprehensive pay reform. Part of the problem is that INS and Border Patrol they are topped out at a G9 and anybody who has been there a while if they have an option like oh, tonight, more sky marshals, where do sky marshals come from? They come from Border Patrol and INS, but we just said we are going to hire 3,000 more of them but we are taking them and moving them to sky marshals. We have to figure out how we are going to get people in both places, which means, for example, recruitment bonuses.

In San Francisco, because of the cost of living and the shortage of applicants, they had to have \$5,000 bonuses and then they got the applicants. In the year 2000 they used \$2,000 recruiting bonuses. Just sitting on the border is not the most exciting thing and then being held accountable if one person in every 500,000 slip through, it is difficult. If we do not pay adequately, we are not going to be able to recruit people. We also need law enforcement status for INS inspectors. They are expected to do law enforcement work; they are expected to catch criminals, and yet at the same time, we do not pay them that way.

We also need to really raise the earnings caps, and we also need language

bonuses. I referred to that earlier. We need some changes in how those language bonuses are worked. It is not that they are not good, they are 3 percent of their salary. But if they are viewed as unachievable and not relevant to your job, then nobody seeks the bonuses. We should be seeking that, and if we tie that to people's pay; if we say, look, we will give you 5 percent more if you learn Farsi. It would make me feel more secure if we had people on the borders who speak Farsi, and if we are going to give them a pay raise, let us tie it to something, but let us make it achievable. They do not have to be a teacher in Farsi; they need to be able to understand it and have basic communication with somebody who is crossing the border, or Arabic or Spanish or French or whatever language we need, the Asian languages on the West Coast in particular, but increasingly across the country.

We also had a hearing this week student on visas in the Committee on Education and the Workforce, and let me make a couple of points with that. First, let me put it in context. The only real way we are going to stop terrorists and, for that matter, illegal drugs, is before it gets to the United States. One of the chief planners of the September 11 attacks was on a student visa, was not a student. How can we protect ourselves if people are here on visas that they have jumped, and nobody reports it? So I would suggest several things. First, let me state one other problem.

Foreign students, of which we have hundreds of thousands, or we have at least several hundred thousand plus, apply to multiple universities, just like we do in the United States and our kids do. Presumably, the student may tell the university, I think most of them either put a down payment down, they pay it, they get a dorm, they get their classes, but right now, the government requires that the student, when they get their visa, say what university they are going to, but the university is not told they are coming, so the university could have a student headed for UCLA or Indiana University, the University of Notre Dame, and they might have it on the student visa, but the university may very well not know they are coming. So one thing we need to fix is to let the university know that the student got the visa in that university's name.

Then, the university has an obligation to let the United States Government know: did the student actually check in and start classes? Did the student drop out? And/or did the student graduate? In other words, once they have completed the criteria on their visa or fail on the criteria of their visa, they are the first line of defense to let the government know. They do not have to be a law enforcement agency. It is not their job to go out and find the student, but the government does not know where to find them or whether they have even jumped the visa if the

university will not help. The only way we learn usually is after they have committed a felony. That is how we learn whether somebody has violated their visa. So we need to get a better system with that.

What I would suggest, because not every student is obviously a case at risk here, and we are not talking about American citizens or immigrants who have come to America and are going to college, let us get this straight. We are talking about people who are here because of the free nature of our country. Just like when our students go overseas, they are a guest in that country, and when they go overseas, there are certain criteria that they have to follow.

For example, let me tie this to another incident, and I mentioned one of the terrorists. A number of years ago, when we were looking at stolen Chinese secrets which basically made us much more vulnerable to attack from China, the son of the equivalent of the head of the CIA of China had come to the United States. The way we turned this up in the Committee on Government Reform is we were investigating Johnny Chung and he worked for him. He was a lower level in the process of where the money got laundered and he was very open with us, and it may be, I am not saying the son was a risk, but the plain fact of the matter is he was enrolled at a university in Los Angeles, did not show up, we lost him. We lost the son of the CIA.

□ 2245

Now, do Members think China, when George Bush, Senior, was head of the CIA, and George W., if he had visited in China to be a student, do Members think China would have lost George W., being a student there? I do not think so. It is incredible that at a time in the very period when our secrets were stolen, we did not know where the son of the head of their CIA was in the United States because it was not reported that he did not show up on a student visa.

So this has happened before. It is not new, and it happens a number of times, but we are looking for a needle in a haystack in the terrorist question unless, what I would suggest is that they start with a simple process.

The INS does not have enough people to look up everybody who jumps their visa. This is not just students, it also applies to workers and when somebody sponsors a visitor. They ought to be held accountable for notifying the government if they have jumped.

We need to give additional dollars then to the INS. I said, we cannot get the borders covered, the basic work covered even for felons, so if we are going to put a new thing on them, we have to give them the money to be responsible.

It is a waste of money to do this for everybody right now because everybody is not at risk, but how about if we start something simple: If you are a student from a terrorist nation, one

that the State Department listed as funding or supporting terrorism, and there are seven, then those students ought to be tracked, those workers ought to be tracked, and those guests ought to be tracked.

We ought to know if they have overstayed or violated the terms of their visa, and it ought to be reported to the government by their sponsor if they know that they have violated it. It is not their sponsor's responsibility to track them, but it is to let the government know, and the INS will track. There ought to be a penalty if you do not report.

Furthermore, in addition to those terrorist countries, we ought to add Afghanistan. Right now Afghanistan is not on the terrorist list. It kind of surprised me when I heard that, because we do not recognize the Taliban. Since we do not recognize there is a government there, they are not on the terror lists.

It would not be too hard to come up with another list, and that is if the country is not themselves a terrorist threat but there is reason to believe that that country is the home nation of a lot of terrorists.

Let us take, for example, Saudi Arabia, where I believe 15 of the 17 were from; that then students from that country, even though their government may be completely innocent, that we track them. In other words, let us look at the facts. If you are a terrorist nation and certified as such by our State Department, or you are Afghanistan with the Taliban, or you are from Saudi Arabia right now, you are at much more likely risk if you have violated your visa, and we are not talking about people who are following the law.

I would place a bet right now that the average American thought this was already happening. We would have thought that if there was a student from a country certified for terrorism and they had a work visa or a student visa or a tourist visa, Members probably thought that once they were here longer than they were supposed to be, or were not doing what they were supposed to be, that we know. Well, we do not. It is time we fix that right away.

I also want to comment on the role of the Canadian parliament, the Mexicans, and the commerce.

As I mentioned, we started this process through the parliament groups. Both sides of the border are interested in fixing this. We know the importance. The Plattsburgh Chamber of Commerce leader said that \$1.4 billion in trade in that community of 80,000 people.

Fourteen percent of the people who work in the area work for a Canadian-owned companies. I have multiple Canadian-owned companies in Fort Wayne, which is 140 miles from the Windsor-Detroit border.

We have become totally interconnected in big cities, and in Michigan Texas, Arizona, far more than Indiana. We all know there needs to be a

stake. The Canadian parliament now is working on an antiterrorism law and are working on their immigration laws, but they have different traditions and we have to work through it.

If we are going to have accelerated border passes, background checks, fast passes, they need to understand they are going to have to make changes in their countries just like we are, because the American people as well as the people in their countries are not going to tolerate living in fear of nuts.

Now, I want to also talk tonight, in addition to the terrorism on the border, a little bit about our anti-narcotics efforts. In our subcommittee, we have oversight of narcotics. It is a lot like terrorism. We are going to learn how difficult it is to fight terrorism, because if Members think the drug war was hard, the antiterrorism war is going to be even harder because there are fewer people and they have more targets. At least in drugs we know the networks and know where it is coming from.

Number one, it is coming from Colombia, the heroin and cocaine. It is then coming either through the Caribbean corridor or the Pacific corridor or by air. Depending on our successes, sometimes when we put the pressure on the Caribbean, it moves to the Pacific. When we put pressure on the Pacific, it moves to the Caribbean.

It used to be all through the Andean Indian region, but Bolivia got most of theirs eradicated. We need to make sure that stays firm. In Peru, they got most eradicated but it is coming back. It has moved to Colombia. Chances are overwhelming, about 90-some percent, if you have heroin in your community, as every community basically does, if you have cocaine in your community, as every community basically does, it is coming from Colombia. We know where it is at. We have to get it there.

They are having a war in that country. We have had a big controversy in this Congress about the so-called Plan Colombia. We passed over \$1 billion, and if I have heard it once, I have heard it 50 times on this floor when we debated the Andean initiative this year, how can we keep pouring money into Colombia. Plan Colombia did not work.

As we heard in our drug task force today from Rand Beers who heads international narcotics for the State Department, I am going to have to recall this from memory because I do not have it written down, but of the Blackhawks that we put in our package, four arrived in September, two for the CNP and two for the military, and six more will arrive by the end of the year.

Of the Huey helicopters that we had in the budget, they are arriving in January.

In other words, how can Plan Colombia fail when it is not there yet? I am tired of hearing how Plan Colombia failed. When we budget for a helicopter, we do not just pull it out of a

Wal-Mart. We have to build it. There is a backlog of orders because we do not have right now as big a military establishment as we have had before. It takes a while to get the helicopters built, and the new Huey IIs, we do not just all of a sudden ramp up an assembly line like G.I. Joe. These are not little plastic toys. I did not mean a real person G.I. Joe, which we cannot ramp up, either. We have to do training.

It is not a plastic toy. These are real helicopters which are complicated. It takes a while to get there.

We do not know whether Plan Colombia does not work. We will know more in 6 to 12 months. What we know is the Colombians were bravely fighting a battle, and we had aid there, but not the size of the aid we are talking about.

If we are successful in putting pressure on Colombia, we know the pattern. They are going to move to Ecuador, move to Bolivia, move to Peru, move to Brazil. So that is why this year the House appropriated \$670-some million out of the President's \$707-some million request, the bulk of which goes first to Colombia, that is the biggest battle; second to Peru; third to Bolivia, where we know they have been before and could potentially come back; and fourth to Ecuador, which is on a watch list.

So what did the other body do? The other day they cut it another couple hundred million dollars, and they cut Colombia first, Peru second, and left in for Bolivia and Ecuador, which is fine, but they are three and four.

If this budget does not get fixed, we will have put \$1 billion into Plan Colombia, then cut the follow-up plan, and wasted the money, basically.

What is the point? Can we not ever see past our nose? Are we going to be inevitably constantly repeating our Vietnam problems, where we get into, and this is not exactly like Vietnam, but when I say that, it is like the antiterrorism war or the war on drugs. We do just enough to fail. When we finally get ahead of the curve, we somehow decide we are going to be off on another adventure and do not finish the job.

In the case of Colombia, we need this assistance because, first, we have to stop the terrorizing before we can plant alternative crops. People say they want to plant alternative crops. It is just like a kid on a street corner. If he can make \$600 an hour as a lookout, he is not going to take minimum wage at McDonald's unless the risk of being a lookout is too high, and then maybe he will take the job at McDonald's. But we are not going to pay him \$600 an hour at McDonald's.

The same calculation goes into a coca grower. If they are going to plant palm hearts, they are not going to make the same as coca, but they want to plant legal things. They want a decent living for their family.

If they are going to get shot, and when we were in Colombia and we

talked to one of the members who had left the FARC, I will never forget this, Mark Sanford and the gentleman from Illinois (Mr. BLAGOJEVICH), two other Members, we were waiting for the gentleman from Illinois (Speaker HASTERT), then Congressman, to arrive in his helicopter.

We were talking to this young kid who just left the FARC. He was an enforcer. We asked him if he had ever shot anybody. He said yes. We asked, "Why did you shoot him?" He said, "The guy was behind in his payments." What do you mean? "He was a coca grower and he was not paying us the amount that he was supposed to pay us. I warned him twice and then shot him. He did not pay his bills." "What do you mean, he did not pay his bills? You do not shoot him for that." We were told that, yes, we told him if he did not pay the tribute money we were going to shoot him. What did you do? He was an older man. We went to the restaurant. I went up behind him and we killed him. And he said, "Look, he did not pay his bills."

Now, if you are a farmer and they are coming in killing your family or kidnapping them or maiming them, it is pretty tough to walk in and say, by the way, we want you to plant palm hearts.

First, we have to get order. Then once we get order in Colombia, then we need to go in and help them get or make a living, because if we do not help them make a living, they are going to go right back to what they were doing before. That is why we have money to help build the legal system.

Right now the judges are intimidated. They killed one-third of them back in the days when the movie *Clear and Present Danger* highlighted it. At the same time, they shoot the judges, and they have destroyed and killed much of the legal system. People are intimidated. There are brave souls fighting away, but we have to rebuild a respect for law and work with the people.

Colombia is the oldest democracy in South America. Because of our drug habits, they have had serious problems in their country. We need to get the Andean initiative because if this process works in Colombia, it is going to move as it always does.

People say if you legalize drugs in the United States it is going to go away, like the people who are making all this money are going to say, right, I am going to go broke now. No, they are going to step people up to other things. We are not going to legalize cocaine and heroin, even if we legalize marijuana, which would be a huge mistake.

So it is important now. We are having a big debate in Congress. We understand if we cut back the Andean initiative, that the net result of this is going to be more terror on our streets at home, more cases like what we have heard in our hearings from mothers whose husbands were whacked out on drugs and came home and beat them

and their kids, or used up all their money for health care and for education to fuel their drug habits; or as I have talked to former and current drug addicts, when they need money, they just go out and rob somebody, mug them, or kill them if necessary to get the money.

We visited juvenile detention centers and had some young guys tell us, one of them had killed somebody when he was stealing his car to fund his drug habit. The question was, why did you kill the person? He said, what does it matter? I will be dead by the time I am 25, anyway.

So when we look at that, it is a tough thing. If we cannot get it in the source countries, then it moves out into the Pacific and the Caribbean. Then we come back to the border question I was talking about before. Once it gets to the border, it is like looking for a needle in a haystack in a city.

We dare not cut back the Andean initiative any further than we have already cut it back. I know there are many money pressures, but we have to simultaneously say if we are going to go after terrorism, we are not going to go after terrorism at cutting back on illegal narcotics.

Alcohol and illegal drugs account for, in every district, every city in this country, 70 percent to 85 percent of all crime, including child abuse and domestic violence. If we are going to get at other sins in the society, we have to get rid of the enablers.

Let me talk a little further about a couple of other things. The DEA has finally started to crack down on some of the medicinal marijuana problems. We have had a huge problem in this country with so-called medicinal marijuana. There is nothing medicinal about marijuana. Lots of poisonous things have some good ingredients in them.

There is no medicinal marijuana. There are components inside marijuana, as there are in arsenic and other things, that are healthy. But in California, this has become a way, for example, they got into one housing addition where it looked from the air like it was a housing addition, but they were all fake homes growing quantities of marijuana.

In my home State of Indiana, where they have what is more commonly called ditchweed, they have now been bringing in BC Bud and mixing it with Indiana ditchweed. Indiana has become the fifth largest exporter in the United States of marijuana, and it is shipping to the east and west coast mixed with this BC Bud, and we are talking about in Indiana a raid just like in Colombia.

They plant it in the corn and it is not even necessarily that the farmer knows it is there. They plant the marijuana inside the corn. It is hidden under there. You have to catch it with different screening methods from the air or ocean, or from tips. It is extraordinary how wishy-washy some of our leaders back here are. And my favorite

chart that I do not have with me tonight showed directly that in 1992 to 1994, with the combination of the signals we sent from our top down of "I did not inhale," and joking about it, to the movies, to the music, and then, combined with our reduction in source country interdiction in the drug budgets from 1992 to 1994, the drug use in the United States soared at such a level that to get back to that in 2001, we have to have a 50 percent reduction from where we are at to get back to where it was when President Clinton first took office in 1992, a 50 percent reduction.

□ 2300

A 50 percent reduction. That is how bad it was. And it was directly correlated. In 2 years it soared that much. And what we saw was the purity soar. We saw the price go down, and we saw the use go up. In 1995 and 1996 it started to stabilize. In the last years of the Clinton administration with General McCaffrey as drug czar we started to make progress again; but we have challenges.

I want to read from The New York Times Magazine from this past weekend about a man named Adam Sorkin, who is the key person behind "West Wing"; and I am just going to read out of this magazine. As you may know he was busted again. This article talks about how he has a drug habit. It also shows the problem with our drug treatment program because he has been through a treatment program, and he is cynical about ever being cured; yet they keep saying he is cured.

Quote: "While Sorkin seems to derive a very similar kind of relief from writing hyper-articulate dialogue and from inhaling crack, he keeps his two worlds separate. That is not to say he never writes about drugs. His teleplays are sprinkled with roach clips and bong pipes and all the references are slyly appreciative. Five weeks into the West Wing pilot this year, a high priced call girl whom we will soon come to appreciate for her intelligence and strength of character, greets the day by lighting up a joint and saying, 'It is not like I am a drug person. I just love pot.'"

We in Congress can work and work at it, but if we have the producers of "West Wing" and other people, "West Wing," by the way, is a tired, formerly creative TV show that is basically trying to rehash what former President Bill Clinton would do if he was facing the crises that they can develop each week; and it is starting to become old, but it is entertaining in many ways. But it is also here from the producer bragging about working in pro-drug statements.

What kind of example is this? How are we supposed to fight it on the one hand when our TV producers glamorize drug use on television. Then we wonder why we are failing the drug war when people call it medicine, when TV producers glamorize it.

Furthermore, to quote an article this week in the Washington Post, which is

something we have been talking to the South American and Central American countries about, our drug habits because of irresponsible leaders in the media and in political offices and people in the TV industry, because of our usage, they now have produced such a supply in these countries that the use is increasing and doubling in many of these countries.

This article this week in the Washington Post, which I would ask to be inserted in the RECORD, says "Mexico finds drug abuse is now its problem too."

Let me read from one of the paragraphs: "Mexico used to think that people like this Arellano were an American nightmare. By Mexico's reckoning, Americans were the ones using drugs. And their insatiable demand was the reason that violent cartels, which continue to conduct daily assassinations on the border, existed here. Places like Tijuana, where people did not even use drugs, were suffering because coke-heads from Malibu to Maine could not get enough, it was said. But that is changing fast. Mexico is not now the only major transit point for drugs shipped into the United States. It has a growing demand problem of its own."

[From the Washington Post, Oct. 31, 2001]

MEXICO FINDS DRUG ABUSE IS NOW ITS PROBLEM, TOO

TIJUANA STREETS TEEM WITH ADDICTED YOUTHS  
(By Mary Jordan)

TIJUANA, MEXICO.—Berenice Arellano Gil celebrated her 29th birthday by doing what she does most days: She slipped \$3 into another addict's hand on a downtown street corner and bought a two-inch vial filled with crack cocaine.

"I feel like a dog running wild on the freeway, not knowing if I am going to make it off the road alive," she said, cupping her hands around the smoking white powder and inhaling deeply, letting the crack fill her lungs and surge into her brain.

She opened her glassy eyes, looked toward the United States, beyond a metal fence a few yards away, and her story tumbled out. She had a good life once in Los Angeles, installing carpet for \$10 an hour, but she got caught and deported and despair led to crack, and at least now she has cut back and is spending only \$10 a day on her habit instead of the \$100 she used to waste, and she hates her job making \$5 a day working in a restaurant but will never, never, never again have sex with a stranger to make a few bucks for crack, and you just can't believe how hard it is to get unhooked.

"It's my birthday, you know," she said.

Mexico used to think that people like Arellano were an American nightmare. By Mexico's reckoning, Americans were the ones using the drugs, and their insatiable demand was the reason that violent cartels—which continue to conduct daily assassinations on the border—existed here. Places like Tijuana, where people didn't even use drugs, were suffering because cokeheads from Malibu to Maine couldn't get enough, it was said.

But that is changing fast. Mexico is now not only the major transit point for drugs shipped into the United States, it has a growing demand problem of its own. While drug consumption in Mexico is still far below that in the United States, it began climbing in the mid-1990s at an alarming rate.

This gritty city of 1.2 million is Mexico's drug-use capital. Between 1993 and 1998, government surveys found a five-fold increase in the number of people saying they had used drugs in the past month. For 1998, the last year the survey was conducted, 15 percent of Tijuana youths said they had tried cocaine, heroin or other drugs—three times the national average.

Since then, far more people have begun trying drugs, particularly crystal methamphetamine. There are now hundreds of Tijuana crack houses, alleyways and street corners where people gather to snort, smoke or inject drugs.

"It's a dramatic problem affecting the quality of life here," said Victor Clark Alfaro, a prominent human rights advocate. "Many of these people steal to get money for drugs. People are afraid of what people will do when they are high on crack and crystal meth." He said poor addicts are most visible because they often use drugs in the street. But he said middle-class children are taking them, too—in homes and discos at parties, out of their public eye.

The increasing drug use is generally traced to a change in the practices of Mexican traffickers who ship drugs into the United States. In the mid-1990s, according to Mexican law enforcement officials, the traffickers started paying local employees—those who handled such jobs as fueling planes and renting warehouses—partly in drugs. Those people needed to create their own market, and they began selling drugs in their home towns.

At the same time, the price of cocaine and other drugs has fallen. Drugs used to be beyond the means of poor youths from the Tijuana barrios, but a vial of crack now sells for as little as \$2—and a heroin injection costs a \$5 to \$10, depending on quality, according to interviews with addicts here. They said the most popular drug is the cheapest: crystal methamphetamine, or "ice," a synthetic drug that goes for \$1 to \$2 a hit.

Some Mexican law enforcement officials say the problem has become far worse since the Sept. 11 terror attacks in the United States. U.S. border security has sharply increased, making it harder for the cartel to move their cocaine, marijuana and heroin across the border. That has led to concern that the backlog is being dumped in Mexican towns, where youths have a growing appetite for drugs.

U.S. law enforcement officials say they doubt the border security has curtailed drug trafficking. They note that U.S. street prices for drugs have not risen, a sign of steady supply.

But Pedro Jose Penaloza, who oversees crime prevention efforts in Mexico's attorney general's office, recently said that "the consumption of cocaine in the entire country has risen alarmingly since the Sept. 11 attacks." He said the "sealing of the northern border by the United States" has led traffickers to drop the price of cocaine and other drugs normally destined for the United States and flood the market in Mexico.

In Mexico, drug consumption is seen largely as a health problem and is rarely prosecuted. In most places it is not a crime to consume small amounts. But despite concern over health, the government has devoted little money to treatment or rehabilitation, focusing instead on prevention efforts, which are far less expensive.

Clark Alfaro said there are about 80,000 addicts in Tijuana and the city's 50 private rehabilitation centers have room for 3,000. To many, these places, often run by former addicts or church workers with no formal training in rehabilitation, are notorious for harsh treatment.

Two people who have been treated in such centers said in interviews that techniques there include dousing addicts with ice-cold water, beating them and chaining them to make sure they don't flee. Several Tijuana newspapers recently ran photos of teenage addicts chained down in one of the centers. The youths had been placed there with the permission of their parents, who said they didn't know where else to turn.

Such techniques are "not uncommon" in the private centers, said Enrique Durantes, a psychiatrist who heads Tijuana's drug prevention program in the city's health ministry. "We are totally against this method."

He said more federal funding is desperately needed to open rehabilitation centers that use accepted treatment techniques. Last year the federal government issued national regulations and guidelines for drug rehabilitation centers, but officials said there has been little effort to enforce them.

"The government is leaving in the hands of [private groups] the process of rehabilitation," said Clark Alfaro. "They are closing their eyes to human rights violations that occur there."

Arellano, the crack addict, said she would not enter a private rehabilitation center. "They are horrible. It's not like you have in the States. No, no, never, never, will I go into one of those places. I must try to get unhooked myself."

A recent tour of open-air drug markets in Tijuana found many people inhaling crystal meth or crack and a new injecting heroin. Most of the users were in their twenties. One man sat on the curb on Ninos Heroes Street, the hood of a parka pulled over his face on a day when the temperature was near 80 degrees, a vial of crack supped in his hands.

A half-block away, Manuel Lopez, 32, slouched against an abandoned house, high on a combination of crystal meth and crack, known as a "speedball." He was too incoherent to speak. Another man in much the same condition wandered into traffic on International Highway, nearly getting run over before his friends pulled him back.

Police in Tijuana have long been connected to major drug traffickers. Now those corrupt links extend to street-corner drug dealers, who say that association has created new bribery patterns.

Money paid to the police by drug cartels is often carefully orchestrated. High-ranking officers decide how big the bribe should be, and how it should be distributed within the ranks. But now cops on the street are taking "express bribes" from local dealers, pocketing a relatively small amount of money without consulting or sharing with other officers. One dealer said that as the recession has set in, more police officers have become open to taking bribes to look the other way.

Mexican police officials deny publicly that their officers take bribes. But many officers on the street readily admit that they take bribes to augment their low salaries.

Clark Alfaro said a man who manufactures crystal meth in a Tijuana laboratory recently complained to him that he had paid the police a \$9,000 bribe because they threatened to shut down his lab. The man was upset because the cops wanted \$20,000 and he had to bargain hard to bring down their price.

Our problem has now spread throughout Central and South America and throughout other parts of the world because we could not get control of our problems; it has now spread. And so the blood on the hands of those who die to illegal narcotics, of those who say marijuana is not a big deal, doing crack is a cool thing, who write songs like the song "Heroin Girl" that was

supposedly an anti-song that turned out not to be an anti-drug song at a second level, that people who do that type of thing are responsible not only for the deaths in the United States but elsewhere too because much of this is psychological in whether behavior that is seen is approved or not approved.

There is another wave that we are trying to address. Clearly methamphetamines and Ecstasy have become a huge problem in the United States, and we are doing the best we can to address these things as well. We will continue to work at that as they come in from countries like the Netherlands. There they say legalization has worked well. Yes, they are shipping it to us. We would not have the stuff coming through Canada and through our borders and through other ways in the United States if they were not doing that.

The New York Times, "Violence rises as club drug spreads throughout the streets." In Fort Wayne, Indiana, "War on meth, number of labs raised to record highs." Here is from Fresno: "Meth dump discovered." There they have a law because so many little kids have been burned to death with labs exploding, these giant labs. USA Today: "Ecstasy drug trade turns violent."

Just the other night there was a "Dateline" special on some of this potency. We have a huge problem in the United States. We do not just have problems with anthrax, which is scary, where four people have died. We have people overdosing, terrorizing their families, terrorizing their neighborhoods every day because of illegal narcotics.

The ranking member of the subcommittee from Maryland (Mr. CUMMINGS) has said it well. We are already under chemical attack. The chemical attack is illegal narcotics. The way we address trying to protect our borders from the terrorists, from coming up with strong law enforcement and in tracking and anti-drugs is going to be the same way we catch the terrorists coming in our midst.

We are working in multiple ways. This week in the committees alone we have done the postal. We did the student tracking. We have done field hearings at the border. We did airport security tonight. We are doing the best we can to try to address it. We cannot stop every terrorist. We cannot stop every illegal drug. But we will do the best we can and with the cooperation; and the support of people in their home neighborhoods, we in fact can make progress. We will never eliminate sin in America; but if we work together, we certainly can limit it.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BROWN of Ohio) to revise

and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. ABERCROMBIE, for 5 minutes, today.

(The following Members (at the request of Mr. FERGUSON) to revise and extend their remarks and include extraneous material:)

Ms. ROS-LEHTINEN, for 5 minutes, today.

Mr. HULSHOF, for 5 minutes, November 6.

Mr. BURTON of Indiana, for 5 minutes, today.

#### ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly an enrolled bill of the House of the following title, which was thereupon signed by the Speaker.

H.R. 2925. An act to amend the Reclamation Recreation Management Act of 1992 in order to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation.

#### ADJOURNMENT

Mr. SOUDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 6 minutes p.m.) under its previous order, the House adjourned until Monday, November 5, 2001, at 2 p.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4469. A letter from the Assistant General Counsel, Department of the Treasury, transmitting the Department's final rule—Resolution Funding Corporation Operations (RIN: 1550-AA79) received October 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4470. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA-7769] received October 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4471. A letter from the Director, OSHA Directorate of Safety Standards, Department of Labor, transmitting the Department's final rule—Occupational Injury and Illness Recording and Reporting Requirements [Docket No. R-02A] (RIN: 1218-AC00) received October 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4472. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Food Labeling: Health Claims; Plant Sterol/Stanol Esters and Coronary Heart Disease [Docket Nos. 00P-1275 and 00P-1276] received October 12, 2001, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Energy and Commerce.

4473. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Substance Abuse and Mental Health Services Administration Mental Health and Substance Abuse Emergency Response Criteria (RIN: 0930-AA09) received October 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4474. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Anthropomorphic Test Dummy; Occupant Crash Protection [Docket No. NHTSA-2000-8057] (RIN: 2127-AH87) received October 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4475. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; New York Ozone State Implementation Plan Revision; Delay of effective date and extension of comment period [Region 2 Docket No. 233, FRL-7084-3] received October 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4476. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans For Designated Facilities and Pollutants: Vermont; Negative Declaration [Docket No. VT-020-1223a; FRL-7077-4A] received October 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4477. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Approval Of Operating Permits Program; State of Maine [ME-063-7012a; A-1-FRL-7085-5] received October 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4478. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Pennsylvania; Redesignation of Pittsburgh-Beaver Valley Ozone Non-attainment Area to Attainment and Approval of Miscellaneous Revisions [PA175-4179; FRL-7079-6] received October 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4479. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Criteria for Classification of Solid Waste Disposal Facilities and Practices and Criteria for Municipal Solid Waste Landfills: Disposal of Residential Lead-Based Paint Waste [FRL-7076-4] (RIN: 2050-AE86) received October 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4480. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Full Approval of Operating Permit Program; District of Columbia [DC-T5-2001-01a; FRL-7085-8] received October 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4481. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—List of Approved Spent Fuel Storage Casks: NAC-UMS Revision (RIN: 3150-

AG77) received October 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4482. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-155, "Advisory Neighborhood Commissions Annual Contribution Temporary Amendment Act of 2001" received November 1, 2001, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

4483. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-156, "Insurance Economic Development Temporary Amendment Act of 2001" received November 1, 2001, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

4484. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-154, "Cooperative Purchasing Agreement Temporary Amendment Act of 2001" received November 1, 2001, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

4485. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-152, "Closing of a Public Alley in Square 2140, S.O. 99-228, Act of 2001" received November 1, 2001, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

4486. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-153, "Closing of a Portion of a Public Alley in Square 209, S.O. 2000-48, Act of 2001" received November 1, 2001, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

4487. A letter from the Director, Office of Procurement and Assistance Management, Department of Energy, transmitting a report on the Federal Activities Inventory Reform Act; to the Committee on Government Reform.

4488. A letter from the Acting Division Chief, Marine Mammal Conservation Division, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Construction and Operation of Offshore Oil and Gas Facilities in the Beaufort Sea [Docket No. 990901241-0116-02; I.D. 123198B] (RIN: 0648-AM09) received October 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4489. A letter from the Acting Division Chief, Marine Mammal Conservation Division, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Operation of a Low Frequency Sound Source by the North Pacific Acoustic Laboratory [Docket No. 00801223-1204-03; I.D. 062000A] (RIN: 0648-AO24) received October 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4490. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries [I.D. 092001A] received October 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4491. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Beech Models 1900, 1900C, and 1900D Airplanes [Docket No. 2001-CE-20-AD; Amendment 39-12433; AD 2001-18-07] (RIN:



2120-AA64) received October 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4492. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Saver's Tax Credit for Contributions by Individuals to Employer Retirement Plans and IRAs (Announcement 2001-106) received October 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4493. A letter from the Secretaries, Departments of Defense and Veterans Affairs, transmitting a report on the implementation of the health resources sharing portion of the "Department of Veterans Affairs and Department of Defense Health Resources Sharing and Emergency Operations Act" for Fiscal Year 2000, pursuant to 38 U.S.C. 8111(f); jointly to the Committees on Armed Services and Veterans' Affairs.

4494. A letter from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting the Department's "Major" final rule—Medicare Program; Revisions to Payment Policies and Five-Year Review of and Adjustments to the Relative Value Units Under the Physician Fee Schedule for Calendar Year 2002 [CMS-1169-FC] (RIN: 0938-AK57) received October 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

4495. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the President proposes to exercise his authority under section 614(a)(1) of the Foreign Assistance Act of 1961, as amended (the "Act"), to authorize the provision of additional funds to Pakistan, pursuant to 22 U.S.C. 2364(a)(1); jointly to the Committees on International Relations and Appropriations.

4496. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's annual reports in the March 2000, March 2001, and June 2001 Treasury Bulletin, pursuant to 26 U.S.C. 9602(a); jointly to the Committees on Ways and Means, Energy and Commerce, Transportation and Infrastructure, Education and the Workforce, Resources, and Agriculture.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. COBLE (for himself and Mr. BERMAN):

H.R. 3204. A bill to restore Federal remedies for infringements of intellectual property by States, and for other purposes; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mr. GRAVES, Mr. BERMAN, and Mr. CANNON):

H.R. 3205. A bill to enhance the border security of the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Intelligence (Permanent Select), International Relations, Government Reform, Ways and Means, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. ROUKEMA:

H.R. 3206. A bill to authorize the Government National Mortgage Association to guarantee securities backed by certain conventional mortgages; to the Committee on Financial Services.

By Mr. LANGEVIN (for himself, Mr. ABERCROMBIE, Mr. BERMAN, Mr. BLAGOJEVICH, Mr. CAPUANO, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. COYNE, Mr. CROWLEY, Mr. DELAHUNT, Mr. ENGEL, Ms. ESHOO, Mr. EVANS, Mr. FARR of California, Mr. FILNER, Mr. FRANK, Mr. HOFFEL, Mr. HONDA, Mr. KENNEDY of Rhode Island, Mr. KLECZKA, Mr. KIRK, Mr. CLAY, Mr. LANTOS, Ms. LEE, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Mr. MCGOVERN, Ms. MCKINNEY, Mrs. MINK of Hawaii, Mr. MORAN of Virginia, Mr. NADLER, Mr. PASCARELL, Mr. PAYNE, Ms. PELOSI, Mr. RUSH, Ms. SCHAKOWSKY, Ms. SOLIS, Mr. STARK, Mr. TIERNEY, Mr. TOWNS, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, and Ms. WOOLSEY):

H.R. 3207. A bill to amend title 18, United States Code, to prohibit the manufacture or importation, or transfer by a licensed firearms dealer, of a pistol that does not have a chamber load indicator and, in the case of a semiautomatic pistol that has a detachable magazine, a mechanism that prevents the pistol from being fired when the magazine is not attached; to the Committee on the Judiciary.

By Mr. CALVERT (for himself and Mr. DOOLEY of California):

H.R. 3208. A bill to authorize funding through the Secretary of the Interior for the implementation of a comprehensive program in California to achieve increased water yield and environmental benefits, as well as improved water system reliability, water quality, water use efficiency, watershed management, water transfers, and levee protection; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Texas (for himself, Mr. SENSENBRENNER, Mr. CONYERS, Mr. WOLF, Mr. SCOTT, and Mr. FERGUSON):

H.R. 3209. A bill to amend title 18, United States Code, with respect to false communications about certain criminal violations, and for other purposes; to the Committee on the Judiciary.

By Mr. OXLEY (for himself, Mr. BAKER, Mrs. ROUKEMA, Mr. BACHUS, Mrs. KELLY, Mr. BENTSEN, Mr. ROYCE, Mr. MALONEY of Connecticut, Mr. LUCAS of Oklahoma, Mr. POMEROY, Mr. NEY, Mr. BARR of Georgia, Mr. GILLMOR, Mr. WELDON of Florida, Mr. RYUN of Kansas, Mr. RILEY, Mr. JONES of North Carolina, Mr. OSE, Mrs. BIGGERT, Mr. GREEN of Wisconsin, Mr. SHAYS, Mr. SHADEGG, Mr. FOSSELLA, Mr. GARY G. MILLER of California, Mr. CANTOR, Mr. GRUCCI, Mr. FERGUSON, Mr. ROGERS of Michigan, Mr. TIBERI, Mr. FOLEY, and Mr. ISSA):

H.R. 3210. A bill to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; to the Committee on Financial Services, and in addition to the Committees on Ways and Means, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOOMEY (for himself, Mr. LEACH, Mr. KANJORSKI, Mr. OXLEY, Mr. LAFALCE, and Mr. BAKER):

H.R. 3211. A bill to revise the banking and bankruptcy insolvency laws with respect to the termination and netting of financial con-

tracts, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ACEVEDO-VILA (for himself, Ms. MCKINNEY, Mr. GUTIERREZ, and Mr. MENENDEZ):

H.R. 3212. A bill to require Secretary of Defense to expand the range maintenance program of the Department of Defense regarding the removal of unexploded ordnance and munitions constituents from live impact areas of military training ranges to include any underwater portions of the live impact areas; to the Committee on Armed Services.

By Mr. ACEVEDO-VILA (for himself, Ms. MCKINNEY, Mr. FALCONE, Mrs. CHRISTENSEN, Mr. GUTIERREZ, Mr. TOWNS, and Mr. MENENDEZ):

H.R. 3213. A bill to authorize the Secretary of Agriculture to acquire and manage lands in the Commonwealth of Puerto Rico to provide for the protection of critical aquifers and watersheds that serve as a principal water supply for Puerto Rico, and for other purposes; to the Committee on Resources.

By Mr. BILIRAKIS (for himself and Mr. EVANS):

H.R. 3214. A bill to amend the charter of the AMVETS organization; to the Committee on the Judiciary.

By Mr. GOODLATTE (for himself, Mr. BOUCHER, Mr. SMITH of Texas, Ms. JACKSON-LEE of Texas, Mr. OXLEY, Mr. LAFALCE, Mr. LEACH, Mr. WOLF, Mr. ROEMER, Mr. GIBBONS, Mr. BACHUS, Mrs. JO ANN DAVIS of Virginia, Mr. DUNCAN, Mr. FLETCHER, Mr. FORBES, Mr. GOODE, Mr. GRAHAM, Mr. LEWIS of Kentucky, Mr. PITTS, Mr. ROGERS of Michigan, Mr. SHADEGG, Mr. SWEENEY, Mr. TAUZIN, Mr. VITTER, Mr. WAMP, Mr. PETERSON of Pennsylvania, Mrs. KELLY, and Mr. HASTINGS of Florida):

H.R. 3215. A bill to amend title 18, United States Code, to expand and modernize the prohibition against interstate gambling, and for other purposes; to the Committee on the Judiciary.

By Mr. CASTLE:

H.R. 3216. A bill to amend the Richard B. Russell National School Lunch Act to exclude certain basic allowances for housing of an individual who is a member of the uniformed services from the determination of eligibility for free and reduced price meals of a child of the individual; to the Committee on Education and the Workforce.

By Mr. FORD:

H.R. 3217. A bill to allow consumers a temporary 2-week grace period for payment of bills due to the extraordinary circumstances resulting from the disruptions and general uncertainty surrounding United States mail, and for other purposes; to the Committee on Financial Services.

By Mr. KANJORSKI (for himself, Mrs. CUBIN, Mr. SHERWOOD, Mr. NEY, Mr. HOLDEN, Mr. GEKAS, Ms. KAPTUR, Ms. HART, Mr. MURTHA, and Mr. BORSKI):

H.R. 3218. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax to holders of bonds issued to finance land and water reclamation of abandoned mine land areas; to the Committee on Ways and Means.

By Mr. LINDER (for himself, Mr. CHAMBLISS, and Ms. HARMAN):

H.R. 3219. A bill to enable the Centers for Disease Control and Prevention to carry out its responsibilities efficiently, including with regard to responding to bioterrorism, by authorizing additional appropriations for designing, constructing, and equipping new

facilities and renovating existing facilities of such Centers, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PAUL:

H.R. 3220. A bill to improve aviation security, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on the Judiciary, Ways and Means, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. ROUKEMA:

H.R. 3221. A bill to establish a temporary moratorium on the issuance of visas for non-immigrant foreign students and other exchange program participants and to improve reporting requirements for universities under the foreign student monitoring program; to the Committee on the Judiciary.

By Mr. TANCREDO:

H.R. 3222. A bill to limit the number of H-1B nonimmigrant visas issued in any fiscal year; to the Committee on the Judiciary.

By Mr. UDALL of New Mexico (for himself, Mrs. WILSON, Mr. KILDEE, Mr. YOUNG of Alaska, Mr. SKEEN, Mr. KENNEDY of Rhode Island, Mr. HAYWORTH, Mr. GEORGE MILLER of California, and Mr. THOMPSON of California):

H.R. 3223. A bill to authorize the Secretary of the Interior, through the Bureau of Reclamation, to construct the Jicarilla Apache Nation Municipal Water Delivery and Wastewater Collection Systems in the State of New Mexico, and for other purposes; to the Committee on Resources.

By Mrs. WILSON (for herself, Mr. SKEEN, and Mr. GIBBONS):

H.R. 3224. A bill to amend the Safe Drinking Water Act to establish a program to provide assistance to small communities for use in carrying out projects and activities necessary to achieve or maintain compliance with drinking water standards; to the Committee on Energy and Commerce.

By Ms. JACKSON-LEE of Texas:

H.R. 3225. A bill to express the sense of Congress that a uniform standard for declaring levels of alert in cases of emergencies should be developed for Federal agencies, and to require the Comptroller General to conduct a study of how such a uniform standard may be implemented; to the Committee on Transportation and Infrastructure.

By Ms. JACKSON-LEE of Texas:

H.R. 3226. A bill to direct the Comptroller General of the United States to conduct a study regarding children directly affected by the terrorist attacks against the United States on September 11, 2001; to the Committee on Education and the Workforce.

By Ms. JACKSON-LEE of Texas:

H.R. 3227. A bill to amend the Safe Drinking Water Act to provide for research on methods to combat biological contamination of public drinking water supplies, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SMITH of Michigan (for himself, Mrs. CLAYTON, Mr. HOSTETTLER, Mr. BARTLETT of Maryland, Mr. WATTS of Oklahoma, Mr. EHLERS, Mr. LEWIS of Kentucky, Mr. FLETCHER, Mr. GREENWOOD, Mr. MANZULLO, Mr. GUTKNECHT, Mr. BEREUTER, Mr. SHAYS, Ms. BROWN of Florida, Mr. HOYER, Mr. PETERSON of Minnesota, Mr. PAUL, Mr. PITTS, Mr. ROHR-ABACHER, Mrs. JO ANN DAVIS of Virginia, Mr. KERNS, Mr. FLAKE, Mr. CANTOR, Mr. ISSA, Mrs. NAPOLITANO, Mr. BLUMENAUER, Mr. COX, Mr. WU, Mr. BARCIA, and Mr. CHABOT):

H. Con. Res. 258. Concurrent resolution expressing the sense of the Congress that the

Secretary of Agriculture and the Secretary of Health and Human Services should work to improve cooperation and eliminate duplication in the area of food safety inspection, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS (for himself, Ms. BALDWIN, and Mr. CROWLEY):

H. Con. Res. 259. Concurrent resolution expressing the sense of Congress regarding the relief efforts undertaken by charitable organizations and the people of the United States in the aftermath of the terrorist attacks against the United States that occurred on September 11, 2001; to the Committee on Transportation and Infrastructure.

By Ms. WATERS (for herself, Ms. LEE, Mr. KUCINICH, Mr. RANGEL, Mr. JACKSON of Illinois, and Ms. KILPATRICK):

H. Con. Res. 260. Concurrent resolution expressing the sense of the Congress that the trade and economic development policies of the United States should respect and support the rights of African farmers with respect to their agricultural and biological resources, traditional knowledge, and technologies; to the Committee on International Relations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 28: Mr. MCINTYRE.  
H.R. 162: Ms. LEE and Mr. BRADY of Pennsylvania.  
H.R. 303: Mr. OSBORNE.  
H.R. 424: Mrs. JONES of Ohio and Mr. CALVERT.  
H.R. 440: Mr. UNDERWOOD.  
H.R. 525: Mr. BAIRD.  
H.R. 783: Mr. SIMMONS.  
H.R. 848: Mr. BOUCHER and Mr. FLETCHER.  
H.R. 951: Mr. SHUSTER and Mr. SAXTON.  
H.R. 959: Ms. MILLENDER-MCDONALD.  
H.R. 975: Mr. KIRK.  
H.R. 1051: Mr. BORSKI.  
H.R. 1143: Mr. EVANS.  
H.R. 1169: Mr. GONZALEZ and Mr. BACA.  
H.R. 1178: Mrs. WILSON.  
H.R. 1202: Mr. BOUCHER and Mr. BORSKI.  
H.R. 1287: Ms. MCKINNEY.  
H.R. 1296: Mr. SHUSTER.  
H.R. 1331: Mr. CRAMER.  
H.R. 1354: Mr. MASCARA.  
H.R. 1356: Mr. SMITH of Washington.  
H.R. 1436: Mr. DAVIS of Illinois, Mr. JACKSON of Illinois, and Mrs. LOWEY.  
H.R. 1522: Mr. GORDON.  
H.R. 1606: Mr. UDALL of Colorado and Mr. MCGOVERN.  
H.R. 1810: Mr. CAPUANO and Mrs. DAVIS of Illinois.  
H.R. 1822: Mr. LARSEN of Washington.  
H.R. 1841: Mr. FORBES, Mr. BECERRA, and Mr. MEEHAN.  
H.R. 1948: Mr. DAVIS of Illinois and Mr. PALLONE.  
H.R. 1956: Mr. HOLDEN, Mr. JEFFERSON, and Mr. WICKER.  
H.R. 1975: Mr. PRICE of North Carolina.  
H.R. 1978: Ms. LEE.  
H.R. 2071: Mr. CLYBURN.  
H.R. 2117: Mr. DICKS.  
H.R. 2118: Mr. KENNEDY of Rhode Island.  
H.R. 2121: Mr. BERMAN, Mr. ACKERMAN, Mr. BROWN of Ohio, and Mr. BEREUTER.  
H.R. 2166: Ms. ESHOO and Mr. LEWIS of Georgia.  
H.R. 2173: Mr. PRICE of North Carolina.  
H.R. 2308: Mr. CARSON of Oklahoma.  
H.R. 2329: Ms. VELAZQUEZ.  
H.R. 2357: Mr. CANNON, Mr. HERGER, and Mr. NETHERCUT.  
H.R. 2380: Ms. WOOLSEY, Mr. LANTOS, Ms. JACKSON-LEE of Texas, Mrs. MEEK of Florida, Ms. DEGETTE, and Ms. HARMAN.  
H.R. 2395: Mr. MR. RANGEL.  
H.R. 2578: Mr. BECERRA, Mrs. DAVIS of California, Mrs. CLAYTON, Mr. DINGELL, Mr. FRANK, Mr. FROST, and Mr. OWENS.  
H.R. 2610: Mrs. JOHNSON of Connecticut, Mr. ROGERS of Michigan, Mr. PRICE of North Carolina, Mr. LANTOS, Mr. QUINN, and Mr. BISHOP.  
H.R. 2623: Mr. CAPUANO and Mr. OWENS.  
H.R. 2638: Ms. RIVERS.  
H.R. 2706: Mr. THOMPSON of California.  
H.R. 2768: Mr. CROWLEY and Mr. STENHOLM.  
H.R. 2799: Mr. RODRIGUEZ.  
H.R. 2850: Mr. NEY.  
H.R. 2887: Mr. LANTOS.  
H.R. 2897: Mr. RANGEL.  
H.R. 2902: Mr. FILNER.  
H.R. 2908: Mrs. MCCARTHY of New York.  
H.R. 2945: Mr. ISRAEL.  
H.R. 2946: Mr. KING, Mr. SERRANO, and Mrs. ROYBAL-ALLARD.  
H.R. 2964: Mr. COOKSEY.  
H.R. 2969: Mr. CROWLEY.  
H.R. 2980: Mr. LOBIONDO.  
H.R. 2989: Mrs. LOWEY, Mr. TIBERI, Mr. KENNEDY of Rhode Island, and Mr. ISAKSON.  
H.R. 2999: Ms. NORTON and Mr. CLAY.  
H.R. 3006: Mr. HOSTETTLER, Mr. RYUN of Kansas, Mr. SCHAFFER, Mr. VITTER, Mr. TANCREDO, Mr. FORBES, and Mr. MCCREERY.  
H.R. 3011: Mr. TOWNS.  
H.R. 3012: Mr. POMEROY.  
H.R. 3014: Mr. MALONEY of Connecticut, Mr. McNULTY, Mr. FROST, Mrs. MINK of Hawaii, Mrs. MALONEY of New York, Mr. TIERNEY, and OWENS.  
H.R. 3026: Mrs. CAPPS, Mr. LUTHER, and Mr. STUPAK.  
H.R. 3030: Mr. CALVERT and Mr. OSBORNE.  
H.R. 3041: Mr. KELLER.  
H.R. 3012: Mr. BARCIA, Mr. SIMMONS, and Ms. BROWN of Florida.  
H.R. 3054: Mr. BURTON of Indiana, Mr. SERRANO, Mr. WALSH, Mr. OBERSTAR, Ms. VELAZQUEZ, Mr. ENGEL, Mr. JONES of North Carolina, Mr. BLAGOJEVICH, Mrs. MCCARTHY of New York, Mr. PASCRELL, Ms. BERKLEY, Mr. MASCARA, Mr. JACKSON of Illinois, Mr. DEFazio, Mr. SABO, Mr. CUMMINGS, Mr. CARSON of Oklahoma, Mr. SIMMONS, Mr. BOSWELL, Ms. MCKINNEY, Mr. MANZULLO, Mr. GRUCCI, Mr. FOLEY, Ms. MILLENDER-MCDONALD, and Mr. FOSSELLA.  
H.R. 3062: Mr. SCHAFFER and Mr. REYNOLDS.  
H.R. 3067: Ms. HOOLEY of Oregon and Mr. LARSEN of Washington.  
H.R. 3072: Mr. WATT of North Carolina and Mrs. CLAYTON.  
H.R. 3077: Mr. BARR of Georgia.  
H.R. 3088: Mr. KNOLLENBERG, Mr. LEWIS of California, Mr. SAXTON, Mr. HUNTER, Mr. SMITH of Michigan, Mr. GEKAS, Mr. ISSA, and Mr. LOBIONDO.  
H.R. 3094: Mr. ENGLISH.  
H.R. 3101: Mr. MOORE and Mr. UNDERWOOD.  
H.R. 3103: Mr. WYNN.  
H.R. 3105: Mr. ARMEY.  
H.R. 3106: Mr. SERRANO, Mrs. MINK of Hawaii, and Mr. RANGEL.  
H.R. 3110: Ms. JACKSON-LEE of Texas, Ms. ESHOO, and Mr. ISRAEL.  
H.R. 3111: Mr. LIPINSKI.  
H.R. 3113: Mr. UNDERWOOD, Mr. WAXMAN, Ms. SLAUGHTER, and Mr. HONDA.  
H.R. 3130: Mrs. MORELLA.

H.R. 3131: Mr. JOHN, Mr. PRICE of North Carolina, Mr. LANTOS, and Ms. SOLIS.

H.R. 3161: Mrs. DAVIS of California, Ms. RIVERS, and Mr. BOSWELL.

H.R. 3163: Mr. PALLONE, Mr. ENGEL, and Mr. McNULTY.

H.R. 3166: Ms. KAPTUR and Mr. UNDERWOOD.

H.R. 3167: Mr. BILIRAKIS.

H.R. 3175: Mr. RAHALL, Mrs. ROUKEMA, and Mr. GRUCCI.

H.R. 3181: Mr. DEAL of Georgia, Mr. STUMP, and Mr. GOODE.

H.R. 3188: Mr. BECERRA and Mr. LEWIS of Georgia.

H.R. 3194: Mr. BONIOR, Mr. CROWLEY, Mr. MOORE, Mr. GONZALEZ, Mr. BROWN of Ohio, Mr. ISRAEL, Mr. DAVIS of Illinois, Mr. FORD, Mr. PASTOR, Mr. UDALL of New Mexico, Mr. EVANS, Mr. HOYER, Mr. KIND, Mr. MCINTYRE, Mr. HOLDEN, Ms. MCCOLLUM, Mr. PASCRELL, Mr. KLECZKA, Mr. DOYLE, Mr. BAIRD, Mr. LARSON of Connecticut, Mr. HASTINGS of Florida, Mr. BALDACCI, Mr. LANGEVIN, Mr. RAHALL, Ms. KAPTUR, Mr. BORSKI, Mr. HOLT, Mr. MASCARA, Mr. MCDERMOTT, Ms. DELAURO, Mr. CONYERS, Mr. FRANK, Mr. NEAL of Massachusetts, Mr. OLVER, Ms. SCHAKOWSKY, Mr. MALONEY of Connecticut, Mr. INSLEE, Ms. HOOLEY of Oregon, Mrs. THURMAN, Mr. BRADY of Pennsylvania, Mr. CLEMENT, Mr. TAYLOR of Mississippi, Ms. LOFGREN, Ms. BERKLEY, Mr. RODRIGUEZ, Mr. EDWARDS, Mr. GREEN of Texas, Mr. GUTIERREZ, Mr. BLUMENAUER, Mr. MEEKS of New York, Mr. SHOWS, Mr. ACKERMAN, Mr. WATT of North Carolina, Mr. LYNCH, Mr. BENTSEN, Ms. LEE, Mr. CUMMINGS, Mr. HOFFFEL, Mr. KANJORSKI, Mr. SANDLIN, Mr. VISCLOSKEY, Mr. BERRY, Mr. MORAN of Virginia, Mr. REYES, Mr. OSE, Mr. KING, Mr. JOHN, Mrs. MEEK of

Florida, Mr. SAWYER, Mr. ALLEN, and Mr. SHAYS.

H.J. Res. 67: Mr. HOLT, Mr. MATESON, Mr. SMITH of Washington, Mr. LEACH, Mr. RYAN of Wisconsin, Mr. SIMMONS, Mr. ABERCROMBIE, Mr. WEINER, Mr. CAPUANO, Ms. HOOLEY of Oregon, Mr. SHOWS, Mr. UDALL of Colorado, Mr. MURTHA, Mr. BROWN of Ohio, Mr. STUPAK, Mr. FARR of California, Ms. PELOSI, Mr. WAXMAN, Ms. ESHOO, Ms. WATERS, Mr. PETERSON of Minnesota, Mr. LANGEVIN, Mr. BARCIA, Mr. FATTAH, Mr. HOFFFEL, Ms. HART, and Mr. UDALL of New Mexico.

H. Con. Res. 26: Mr. DOYLE.

H. Con. Res. 181: Ms. BALDWIN and Mr. KILDEE.

H. Con. Res. 220: Mr. STUMP.

H. Con. Res. 228: Ms. NORTON.

H. Con. Res. 238: Ms. CARSON of Indiana.

H. Con. Res. 242: Mr. BERMAN, Ms. MCCARTHY of Missouri, Ms. KAPTUR, Mr. GILMAN, Ms. DELAURO, Mr. PUTNAM, Mr. OXLEY, Mr. ROHRABACHER, Mr. SMITH of New Jersey, Mr. BEREUTER, Mr. GALLEGLY, Mr. CHABOT, Mr. ACKERMAN, Mr. BALLENGER, Mr. MARKEY, Mr. HOFFFEL, Ms. PELOSI, Ms. BERKLEY, Mr. PAYNE, Mr. HILLIARD, Ms. LEE, Mr. WEXLER, Mrs. NAPOLITANO, Mr. LEACH, and Mr. ROYCE.

H. Con. Res. 249: Mr. TOWNS, Mr. MEEKS of New York, Mr. ENGEL, Ms. SLAUGHTER, Mr. WYNN, Mr. SERRANO, and Mr. NADLER.

H. Con. Res. 254: Mr. DOYLE, Mr. PETERSON of Pennsylvania, Ms. HART, Mr. ENGLISH, Mr. SHUSTER, Mr. SHERMAN, and Mr. PLATTS.

H. Con. Res. 256: Mr. VISCLOSKEY and Mr. DOYLE.

H. Res. 98: Mr. LANTOS and Mr. OWENS.

H. Res. 224: Mr. MENENDEZ.

H. Res. 235: Mr. ENGEL and Mr. OWENS.

H. Res. 243: Mr. SOUDER.

H. Res. 255: Mr. BENTSEN, Mr. DEFazio, Mr. FRANK, Mrs. LOWEY, Mr. OSBORNE, Ms. RIVERS, Mr. ROTHMAN, and Mr. TERRY.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 981: Mr. CALLAHAN, Mr. KOLBE, Mrs. NORTHUP, Mr. SKEEN, Mr. LAHOOD, and Mr. GOODE.

## AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

### DOD APPROPRIATIONS BILL

OFFERED BY: Mr. FILNER

AMENDMENT No. 3: In title X (the emergency supplemental provisions), in the item relating to "DEPARTMENT OF JUSTICE—IMMIGRATION AND NATURALIZATION SERVICE—SALARIES AND EXPENSES", insert before the period at the end the following:

: *Provided*, That, of the amount provided under this heading, \$20,000,000 shall be for the hiring of additional inspectors for the United States-Mexico border to respond to increased security needs and to maintain the maximum number of border inspection lanes open while providing the maximum amount of security for the United States.